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TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 616, 2d Revision, Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

Pursuant to the authority conferred on him by the fourth sentence of the Mediterranean fruit fly quarantine (Notice of Quarantine No. 78, 7 CFR 301.78, 21 F. R. 3213), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and pursuant to other delegations of authority (19 F. R. 515, as amended) the Chief of the Plant Pest Control Branch hereby amends § 301.78a (c) of revised administrative instructions (7 CFR 301.78a; 21 F. R. 6365) exempting certain regulated articles from the requirements of §§ 301.78-3 (b), 301.78-4 and 301.78-5 of the regulations supplemental to said notice of quarantine (7 CFR 301.78-3 (b), 301.78-4, 301.78-5; 21 F. R. 3214, 3215), by adding the word "Dade," between the words "Collier," and "Hendry," therein.

This amendment shall be effective October 6, 1956.

The purpose of this amendment is to add Dade County to the list of counties from which the movement of certain vegetables is exempt from the requirements of the Mediterranean fruit fly quarantine and regulations when they have been grown under approved conditions that include spray schedules where required, and when handled under sanitary conditions satisfactory to an inspector. This exemption is based on progress of control work and consequent reduction of Mediterranean fruit fly populations in Dade County. It has been determined that movement from Dade County of such vegetables will not result in the spread of the Mediterranean fruit fly. In order to be of maximum benefit to affected shippers, the amended instructions should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public rule

making procedure with respect to the amendment are impracticable and unnecessary.

Since the amendment relieves restrictions, it is within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 2d day of October 1956.

[SEAL]

L. F. CARL,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 56-8078; Filed, Oct. 5, 1956; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 89]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.389 *Valencia Orange Regulation* 89—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the pub-

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) (\$2.25)

Title 38 (\$2.00)

Titles 44-45 (\$1.00)

Title 50 (\$0.60)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 6 (\$1.75); Title 7: Parts 1-209 (\$1.25), Parts 210-899 (Rev., 1955) with Supplement (\$4.50), Parts 900-959 (Rev., 1955) (\$6.00), Part 960 to end (Rev., 1955) with Supplement (\$5.85); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Parts 1-399 (\$2.50), Part 400 to end (\$1.00); Title 15 (\$1.00); Title 16 (\$1.25); Title 17 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.50); Title 20 (\$1.00); Title 21 (Rev., 1955) (\$5.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) Parts 1-220 (Rev., 1955) (\$2.00); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35), Part 300 to end, Ch. 1, and Title 27 (\$1.00); Titles 28 and 29 (\$1.25); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 400-699 (\$0.65), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), Part 1100 to end (\$0.35); Title 32A (Rev., 1955) (\$1.25); Title 33 (\$1.50); Titles 35-37 (\$1.00); Title 39 (Rev., 1955) (\$4.25); Titles 40-42 (\$0.65); Title 43 (\$0.50); Title 46: Parts 1-145 (\$0.60), Part 146 to end (\$1.25); Titles 47 and 48 (\$2.25); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

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lic interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on October 4, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., October 7, 1956, and ending at 12:01 a. m., P. s. t., October 14, 1956, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 716,100 cartons;
 - (iii) District 3: Unlimited movement.
- (2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restric-

tions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 5, 1956.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8124; Filed, Oct. 5, 1956; 11:19 a. m.]

[Lemon Reg. 662]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.769 *Lemon Regulation 662—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 3, 1956; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested per-

sons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 7, 1956; and ending at 12:01 a. m., P. s. t., October 14, 1956; is hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 186,000 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 4, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 56-8104; Filed, Oct. 5, 1956; 8:53 a. m.]

[992.311 Amdt. 1]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is

based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes in the manner set forth below, on and after the effective time of this amendment, (iii) the provisions of the current limitation of shipments regulation (§ 992.311; 21 F. R. 4861) will continue in effect until June 1, 1957, unless sooner terminated, suspended, or amended; (iv) on or about September 26, 1956, the rate of harvesting the fall crop of potatoes in the production area had already reached, or was about to reach, its peak; (v) on September 26, 1956, the committee held a meeting for making recommendations for the appropriate requirements that should be in effect with respect to the handling of the largest portion of such harvested potatoes and would tend to maximize the benefits accruing from the regulatory program and the act, and all interested parties were afforded an opportunity to present their views thereon to the committee at such meeting; (vi) information regarding the committee's recommendation has been made available to producers, handlers, and all other interested parties in the production area, which recommendation contained the same provisions as the amendment hereinafter set forth; (vii) this amendment should be made effective at the time hereinafter set forth, and notice thereof, including its effective time, should be published in the FEDERAL REGISTER as soon as practical to afford persons subject thereto the maximum time to prepare therefor; (viii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by such effective time; and (ix) reasonable time is permitted, under the circumstances for such preparation.

Order, as amended. The provisions of paragraph (b) (1) of § 992.311 (21 F. R. 4861) are hereby amended to read as follows:

(b) **Order.** (1) During the period from October 8, 1956, through May 31, 1957, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and, in addition, meet either of the following requirements:

(i) The potatoes grade U. S. No. 2 and are of a weight not less than 5 ounces; or
(ii) The potatoes grade at least U. S. Commercial and are of a size not smaller than 2 inches in diameter or 4 ounces in weight,

as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 through 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 3, 1956.

[SEAL]

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 56-8105; Filed, Oct. 5, 1956; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Admt. 2]

PART 618—HIGH DENSITY AIR TRAFFIC ZONE RULES, WASHINGTON, D. C.

REVOCATION

Pursuant to the provisions of Special Civil Air Regulations SR-408 and SR-408A (19 F. R. 6871 and 20 F. R. 8093), by which the Civil Aeronautics Board delegated to the Administrator the authority to designate the airspace located within the Washington control zone as a high density air traffic zone, and to prescribe additional rules which shall be applicable therein during VFR weather conditions, the Administrator adopted Part 618—High Density Air Traffic Zone Rules, Washington, D. C. The authority to prescribe such rules terminated on July 31, 1956, and no further extension of such authority has been given to the Administrator. Therefore, Part 618, which terminated on July 31, 1956, is hereby revoked.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 56-8060; Filed, Oct. 5, 1956; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs. Admt. 13]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*, paragraph (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended in the following particulars:

Subparagraph (2) *Refined copper, Schedule B No. 641200* is amended to read as follows:

(2) *Refined copper, Schedule B No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) shall be supported by the information described below.

(i) *Evidence of availability required.* The following certification shall appear on each application:

I (we) certify that the commodities in the quantities described on this license application are in my (our) possession or will be in my (our) possession for export not later than _____
(Date)

(ii) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in item 7 on this license application;

or if the foreign consumer is not the same as that shown in item 7:

The name and address of the foreign consumer is _____

Subparagraph (4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended to read as follows:

(4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* (i) In order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT- or FC-821 in accordance with procedure set forth in § 373.4. A separate report on Form IT- or FC-821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was \$5,000 or over for the five quarters. In preparing Form IT- or FC-821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) In addition to the above, license applications to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300, and copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, shall disclose the foreign consumer as set forth in subparagraph (2) (ii) of this paragraph.

(iii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(iv) License applications to export copper-nickel alloy scrap, containing 40 percent or more copper and 5 percent

or more nickel will not be considered for licensing.

(v) License applications to export "off-shore" copper scrap (scrap located in United States territories or possessions outside the continental United States) will be considered for approval without regard to quota limitations established for the export of copper scrap where it is shown that (a) the scrap originated in and will be exported from a United States territory or possession, and (b) the scrap was collected pursuant to an approved collection contract with a United States Government agency. Applications submitted under the provisions of this subdivision shall contain one of the following as applicable:

(1) Where the scrap was collected by the applicant, the application shall contain the following certification:

I (we) certify that the copper scrap covered by this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession). This scrap was collected by (me) (us) pursuant to approved (collection contract number or other identifying number) with (name of United States Government agency).

(2) Where the scrap was not collected by the applicant, the application shall contain the following information:

(i) The name of the United States territory or possession where the scrap covered by the application originated.

(ii) The name of the United States territory or possession from which the scrap will be exported.

(iii) The name of the party who contracted with the United States Government to collect the scrap covered by the application and also the name of the United States Government agency with which the collection contract was made, and the contract number or other identifying number.

2. Section 373.71 Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities is amended by adding the dates "October 6, 1956-December 15, 1956" in the column headed "Fourth Quarter, 1956" for the following commodities:

Dept. of Commerce Schedule B No.	Commodity
641200	Copper scrap (new and old), containing 40 percent or more copper. ¹
644000	Copper-base alloy scrap (new and old), containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel. ¹
644100	Copper-base alloy ingots and other crude forms.

This amendment shall become effective as of October 6, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 10119, 13 F. R. 39, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 56-8074; Filed, Oct. 5, 1956; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), effective the 6th day of November 1956, Title 29, Part 511 of the Code of Federal Regulations is amended to read as follows:

- Sec.
- 511.1 General method for issuance of wage orders.
- 511.2 Initiation of proceedings; notices of hearings.
- 511.3 Composition and appointment of committees.
- 511.4 Compensation of committee members.
- 511.5 Vacancies and dissolution of a committee.
- 511.6 Investigation.
- 511.7 Committee staff.
- 511.8 Prehearing statements.
- 511.9 Requirements for quorum and decisions.
- 511.10 Subjects and issues.
- 511.11 Pertinent data.
- 511.12 Committee and subcommittee meetings.
- 511.13 Evidence.
- 511.14 Procedure for receiving evidence.
- 511.15 Submittals prior to reports.
- 511.16 Reports.
- 511.17 Records.
- 511.18 Publication and effective date of wage order.
- 511.19 Petitions.

AUTHORITY: §§ 511.1 to 511.19 issued under sec. 5, 52 Stat. 1064, as amended, 29 U. S. C. 205. Interpret or apply 60 Stat. 237-244, secs. 6, 8, 52 Stat. 1062, as amended, 1964, as amended; 5 U. S. C. 1001-1011, 29 U. S. C. 206, 208.

§ 511.1 *General method for issuance of wage orders.* Pursuant to authority delegated by the Secretary of Labor, the Administrator of the Wage and Hour Division publishes the orders which are required by statute to make the recommendations of industry committees effective as wage orders under section 6 (c) of the Fair Labor Standards Act. The wage orders issued by the Administrator must by law give effect to the recommendations of the industry committees. All wage order proceedings will be conducted in accordance with the standards provided in the Administrative Procedure Act as interpreted and applied in this part.

§ 511.2 *Initiation of proceedings; notices of hearings.* (a) Wage order proceedings are initiated by order of the Secretary, published in the FEDERAL REGISTER, giving notice of hearings by industry committees to recommend the minimum rate or rates of wages to be paid under section 6 of the act to employees in Puerto Rico, the Virgin Islands, or American Samoa engaged in commerce or in the production of goods for commerce. These orders will contain a definition of the particular industry in Puerto Rico, the Virgin Islands, or American Samoa, for which the committee is to make its recommendations,

or these orders will direct the committee to recommend the minimum rate or rates of wages for all industry in Puerto Rico, the Virgin Islands, or American Samoa. All such orders will make provision for convening the committee. Any particular industry defined in such an order may be a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(b) These orders will also give reasonable notice (1) of the time and place for the commencement of the hearing of such witnesses and receiving of such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act, (2) of the general nature of the wage order proceedings and the authority under which they are proposed, (3) of the subjects and issues involved, and (4) that the committee will take official notice of the economic report (note § 511.13), and the parties will have an opportunity at the hearing to show any contrary or additional facts.

§ 511.3 *Composition and appointment of committees.* An industry committee will be composed of residents of the island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. The Secretary will by order appoint as members of each committee an equal number of persons representing (a) the public, (b) employees in the industry, and (c) employers in the industry. The public members shall be disinterested, and the Secretary will designate one as chairman. For purposes of this section only, the definition of the industry shall be considered to include all such industry throughout the United States, its territories and possessions.

§ 511.4 *Compensation of committee members.* Each member of an industry committee will be allowed a per diem of \$50 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

§ 511.5 *Vacancies and dissolution of committees.* The Secretary by order will appoint persons to fill any vacancies occurring in industry committees. If an industry committee is unable to arrive at a recommendation within a reasonable time, or refuses to make a recommendation, it may be dissolved by the Secretary. An industry committee shall cease to perform further functions when it has filed with the Administrator its report containing its findings of fact and recommendations with respect to

the matters referred to it, and shall not again perform any functions with respect to any matter reported on, unless and until directed by the Administrator. An industry committee shall be dissolved automatically when its recommendations are no longer subject to review under section 10 of the act.

§ 511.6 *Investigation.* The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters to be referred to a committee. A copy of these regulations will be sent to each member of the committee following his appointment, and a copy of the economic report when completed will be furnished promptly. Before making its report the committee will decide whether it will conduct any further investigation, apart from the hearing and the review of the economic report, in connection with the matters referred to it.

§ 511.7 *Committee staff.* Each industry committee will be furnished a lawyer, to serve as committee counsel, and an economist, to serve as committee economist. Committee counsel shall advise the committee on the issues of law, including interpretations of these regulations and the legal scope of the committee's discretion, which arise during the committee proceedings. The committee counsel and economist shall be available to advise and assist the committee at all of its meetings. The Administrator shall furnish the committee with adequate stenographic, clerical, and other assistance.

§ 511.8 *Prehearing statements.* (a) Every employer, employee, trade association, trade union, or group of employers, employees, associations, or unions in the industry as defined, or in such industry elsewhere in the United States, and every other person who, in the judgment of the committee has an interest sufficient to justify the participation he proposes, shall be considered an interested person. No member of the committee may participate as a party or as a witness. Any other interested person who wishes to participate on his own behalf shall file a written prehearing statement. Ten days before the first hearing date set for any committee in a notice of hearing concerning minimum wages for Puerto Rico or the Virgin Islands, the original and 11 copies of the prehearing statement shall be filed at the office of the Territorial Director of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, and one copy at the office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. If such statements are sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the time provided. The number of copies of such statements and the times and places for filing them will be specified in the notices of hearings to determine minimum wages for American Samoa. The prehearing statement shall describe the person's interest and specify

whether he proposes to participate as a party or only as a witness. No such statement shall be required of a witness named in and appearing solely for the purpose of presenting testimony summarized in a party's prehearing statement under paragraph (c) of this section.

(b) The prehearing statement of each person who proposes to participate as a witness shall contain (1) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13; (2) the prepared statement he proposes to give, if any; and (3) a statement of the approximate length of time his direct testimony should take. The filing of a prehearing statement in accordance with the above requirements shall give the right to testify, but shall not give the rights provided in this section and §§ 511.12, 511.13, 511.14, and 511.15 for parties.

(c) The prehearing statement of each person who proposes to participate as a party shall contain (1) a statement of the classifications and wage rates, if any, which he proposes to support, (2) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13, (3) the names and addresses of the witnesses he proposes to call, and a summary of the evidence proposed to be developed, (4) a statement of the approximate length of time his case will take, and (5) the name and address of the individual who will present his case. If the prehearing statement is in conformity with the above requirements, the person shall have the right to participate as a party. In accordance with section 6 (c) of the Administrative Procedure Act, industry committees shall, after considering the advice of committee counsel, issue subpoenas authorized by section 9 of the Fair Labor Standards Act of 1938, to parties who make a request therefor accompanied by a clear showing of general relevance and reasonable scope of the evidence sought.

(d) Prehearing statements of parties and witnesses shall be made available for examination at the offices where they are filed. Each person who files a prehearing statement should, if requested, make himself available for conference with the committee staff to make any needed clarification of his prehearing statement, and arrange details of presenting his testimony or case.

(e) In exceptional circumstances a person who has not filed the prehearing statement required by this section and who does not appear on a witness list filed by a party may nevertheless be permitted, in the discretion of the committee, to testify as a witness.

§ 511.9 *Requirements for quorum and decisions.* Two-thirds of the members of an industry committee shall constitute a quorum. Approval by a majority of all of the members of an industry committee or subcommittee shall be required for its report. Except as otherwise provided in this part, the chairman of the industry committee or subcommittee may make other decisions for the committee or subcommittee, but each such decision shall

be subject to approval of a majority of the members present if any member objects.

§ 511.10 *Subjects and issues.* In accordance with the declared policy of the act each industry committee shall recommend minimum wages which will reach as rapidly as is economically feasible without substantially curtailing employment the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act. Each industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico, the Virgin Islands, or American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out in this section which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in that industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classification within the industry, in making such classification, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living and production costs; (b) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) the wages paid for work of a like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

§ 511.11 *Pertinent data.* Among the types of data which may be considered pertinent to the subjects and issues delineated in § 511.10, are those revealing (a) employment and labor conditions and trends in Puerto Rico, the Virgin Islands, or American Samoa, as the case may be, and on the mainland, particularly since the promulgation of the presently applicable wage order, including such items as present and past employment, present wage rates and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates, and similar factors; (b) market

conditions and trends in Puerto Rico, the Virgin Islands, or American Samoa, as the case may be, and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, competitive relationships, tariff rates, and similar marketing factors; (c) comparative production costs in Puerto Rico, the Virgin Islands, or American Samoa, as the case may be, on the mainland, and in foreign countries, together with the factors responsible for differences; (d) financial conditions and trends since promulgation of the present wage order as reflected in profit and loss statements and balance sheets; and (e) data bearing on proper definitions of classifications within an industry.

§ 511.12 Committee and subcommittee meetings. (a) The full committee, or a quorum thereof, will convene at the time and place appointed for an initial prehearing meeting as provided in the Secretary's order initiating the proceedings (note § 511.2). The full committee acting through a quorum will decide at that meeting whether it will preside at the reception of evidence at the hearing or will authorize a subcommittee to preside. Any resolution authorizing a subcommittee to hold the hearing shall provide a period of 30 days after (1) the subcommittee has filed its recommended report and (2) a transcript of the subcommittee hearing is made available to the parties, for the parties to file exceptions to the recommended report, and the committee shall meet promptly thereafter on call of its chairman or the Administrator to consider exceptions and prepare its final report.

(b) A committee may adjourn its meeting or hearing, or both, from time to time, and meet again, at hearing or otherwise, pursuant to the terms of adjournment, or on call of its chairman or the Administrator.

§ 511.13 Evidence. In accordance with the notice of hearing, the committee and any authorized subcommittee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing. Other pertinent evidence available to the Department of Labor may be presented at the hearing. The committee itself may call witnesses not otherwise scheduled to testify. Oral or documentary evidence may be received, but the committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every interested person who has met the requirements for participation as a party shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination of witnesses called by others as may be required for a full and true disclosure of the facts. Testimony on behalf of an employer or group of employers as to inability to absorb wage increases shall be received in evidence only if supported by tangible objective data, such as the pertinent profit and loss statements and balance sheets for a representative period of years, filed as part of the prehearing statement under § 511.8. Evidence of

witnesses not present at the hearing may be submitted only by affidavits received with, or as a part of, a prehearing statement which meets the requirements of § 511.8 and satisfactorily explains why each affiant cannot be present. Such affidavits will be received in evidence to the same extent that testimony from affiants would have been admitted had they been present. The committee will give such weight to these statements as it considers appropriate, and the fact that such affiants have not been subject to cross examination may be considered, along with other relevant facts, in assessing the weight to be given such evidence.

§ 511.14 Procedure for receiving evidence. (a) All testimony shall be given under oath or affirmation. Any party shall have the right to appear in person, by counsel, or by other specified representative. Misconduct at any hearing shall be ground for summary exclusion from the hearing. The committee shall limit the testimony of any witness where appropriate to prevent the hearing from becoming unduly prolonged. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the committee, be ground for striking all testimony given by the witness on related matters.

(b) Unless otherwise directed by the committee, witnesses shall be called in the following order: The committee economist qualified to testify concerning the content and preparation of the economic report, other witnesses called by the Department of Labor, witnesses called by the parties, other witnesses. Unless otherwise directed by the committee, all witnesses other than those called by the parties shall be examined in the following order: By committee counsel, by committee economist, by committee members, by the parties or their representatives. Witnesses called by the parties shall be examined first by the party calling them or by his specified representative, and then in the order herein indicated for all other witnesses. Redirect examination may be permitted in the discretion of the committee. Rebuttal evidence may be offered in the order and manner in this section provided for other evidence. To the extent not specified in this section, the order for calling and examining witnesses shall be specified by the chairman of the committee or subcommittee.

§ 511.15 Submittals prior to reports. As soon as the receipt of evidence is concluded, a committee or subcommittee presiding at a hearing shall receive any proposed findings of fact and recommendations together with the reasons therefor submitted by any party. These submittals shall be oral unless otherwise directed by the committee or subcommittee. If, in the discretion of the committee or subcommittee such proposals should be in writing, it may grant such additional time as it deems essential.

§ 511.16 Reports. Promptly after receipt of submittals under § 511.15, the committee or subcommittee will resolve the issues before it and prepare a report containing its findings of fact and rec-

ommendations. The report shall contain the committee's or the subcommittee's findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact, law, or discretion presented on the record. When a committee, acting through a quorum, has presided at the reception of evidence, this report shall be its final report on the matters referred to it. Where, however, a subcommittee has presided at the reception of evidence, this report shall be an initial report, and the committee shall meet thereafter to review the report and rule on exceptions in its final report. Where the committee presides at the reception of evidence and proceeds to final decision every party shall be regarded as having objected to any wage rate or classification at variance with any he proposed in his prehearing statement unless he accepted such a rate or classification in any submittal made pursuant to § 511.15. A copy of the report shall be signed by each member of the committee who approves it, either at a meeting of the committee or by circulation of one or more copies among the members of the committee. At any time within 3 days after the committee report is signed by those who approve it, members dissenting therefrom may collectively or individually submit signed reports stating the reasons for their dissent.

§ 511.17 Records. Each industry committee shall keep a journal recording the time and place of all its meetings, the members present, the votes, and other formal proceedings, including the appointment of subcommittees. Subcommittees shall keep a similar journal. No report of committee or subcommittee discussions need be included. All hearings shall be reported and transcribed within 45 days after the date of the Administrator's order under § 511.18. Promptly after completion of the committee's final report, the committee chairman shall certify the report and transmit it to the Administrator. As soon as practicable thereafter, the committee staff shall transmit to the Administrator (a) all committee and subcommittee journals, (b) all applications for leave to participate as interested persons or parties together with the record of action thereon, and (c) the transcript of testimony and exhibits together with all papers and requests filed in the proceedings. These documents shall be available for inspection and copying by any interested person at the office of the Administrator during usual business hours.

§ 511.18 Publication and effective date of wage order. Promptly after receipt of the committee report the Administrator shall publish the committee recommendations in the FEDERAL REGISTER and shall provide by order that the recommendations contained in such report shall take effect upon the expiration of 15 days after the date of such publication.

§ 511.19 Petitions. Any interested person may at any time file a petition with the Administrator for an amendment to the regulations contained in this

part or for an amendment to a wage order applicable to him. In view of the statutory requirement that the minimum rates of wages established by order under section 6 of the act be reviewed by an industry committee at least once each year, substantial cause must be shown in support of any petition for an amendment of a wage order out of regular course. Any interested person may also file a petition at any time with the Administrator for a public hearing under section 13 (e) of the act to determine whether economic conditions warrant rules or regulations providing reasonable limitations or allowing reasonable variations, tolerances, or exemptions to or from any or all of the provisions of section 7 of the act with respect to employees in American Samoa for whom the Secretary of Labor has established minimum wage rates under section 6 (a) (3) of the act and the regulations contained in this part. Whenever it appears to the Secretary of Labor, by reason of such a petition or otherwise, to be probable that such a hearing is likely to reveal that economic conditions warrant such action, notice of such hearing specifying the procedure to be followed will be published in the FEDERAL REGISTER.

Signed at Washington, D. C., this 28th day of September 1956.

NEWELL BROWN,
Administrator.

[F. R. Doc. 56-8075; Filed, Oct. 5, 1956;
8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1956 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONIES

CALENDAR YEAR; QUARTER BEGINNING
OCTOBER 1, 1956

OCTOBER 1, 1956.

§ 129.19 Calendar year, 1956. * * *

(d) *Quarter beginning October 1, 1956.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1956, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Colombia	Peso	\$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.168267 fine gram gold established by decree law 1367 effective Oct. 19, 1951.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.885018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-8073; Filed, Oct. 5, 1956; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

Sections 578.1 through 578.25a are revoked and the following substituted therefor:

Sec.	Purpose.
578.1	Definitions.
578.2	General provisions governing the awards of decorations.
578.3	Medal of Honor.
578.4	Distinguished-Service Cross.
578.5	Distinguished-Service Medal.
578.6	Silver Star.
578.7	Legion of Merit.
578.8	Distinguished-Flying Cross.
578.9	Soldier's Medal.
578.10	Bronze Star Medal.
578.11	Air Medal.
578.12	Commendation Ribbon with Metal Pendant.
578.13	Purple Heart.
578.14	Medal for Merit.
578.15	National Security Medal.
578.16	Medal of Freedom.
578.17	Appurtenances to military decorations.
578.18	Foreign decorations.
578.19	Supply of decorations and appurtenances.
578.20	Original issue or replacement.
578.21	Exhibition.
578.22	Certificates for decorations.
578.23	Certificate of Appreciation.
578.24	Accolade and Gold Star lapel button.
578.25	Certificate of Honorable Service and Record of Service (Deceased Military Personnel).
578.25a	Certificate of Achievement.

AUTHORITY: §§ 578.1 to 578.25b issued under R. S. 161; 5 U. S. C. 22. Statutory provisions interpreted or applied are cited to text in parentheses.

SOURCE: AR 672-5-1, July 20, 1956.

§ 578.1 *Purpose.* The primary purpose of the decorations system is to provide tangible evidence of public recognition of acts of heroism performed and valuable services rendered. Military decorations are awarded in recognition of and as a reward for heroic, extraordinary, outstanding, and meritorious acts, achievements, and services, and such visible evidence of recognition is cherished accordingly by the recipients. Awards of decorations, when properly utilized, are potent incentives to greater effort and are instrumental in building and maintaining morale. Decorations are primarily intended to recognize acts, achievements, and services in time of war.

§ 578.2 *Definitions.* The following definitions are furnished for clarity and uniformity in the determination and award of decorations:

(a) *Above and beyond the call of duty.* Exercise of a voluntary course of action, the omission of which would not justly subject the individual to censure for failure in the performance of duty. It usually includes the acceptance of existing danger or extraordinary responsibilities with praiseworthy fortitude and exemplary courage. In its highest degrees it involves the voluntary acceptance of additional danger and risk of life.

(b) *Combat heroism.* Act or acts of heroism by an individual engaged in:

(1) Actual conflict with an armed enemy, or

(2) Military operations which involve exposure to personal hazards, due to direct enemy action or the imminence of such action.

(c) *Combat zone.* The region where fighting is going on; the forward area of the theater of operations where combat troops are actively engaged. It extends from the front line to the front of the communications zone.

(d) *Duty of great responsibility.* Duty which, by virtue of the position held, carries the ultimate responsibility for the successful operation of a major command, activity, agency, installation, or project. The discharge of such duty must involve the acceptance and fulfillment of the obligation so as to greatly benefit the interests of the United States.

(e) *Duty of responsibility.* Duty, which by virtue of the position held, carries a high degree of the responsibility for the successful operation of a major command, activity, agency, installation, or project, or which requires the exercise of judgment and decision affecting plans, policies, operations, or the lives and well being of others.

(f) *Heroism.* Specific acts of bravery or outstanding courage, or a closely related series of heroic acts performed within an exceptionally short period of time.

(g) *In connection with military operations against an armed enemy.* This phrase covers all military operations including combat, support, and supply which have a direct bearing on the outcome of an engagement or engagements against armed opposition. To perform duty or to accomplish an act of achievement in connection with military operations against an armed enemy, the individual must have been subjected either to personal hazard as a result of direct enemy action (or the imminence of such action) or must have had the conditions under which his duty or accomplishment took place complicated by enemy action or the imminence of enemy action.

(h) *Key individual.* A person who is occupying a position that is indispensable to an organization, activity, or project.

(i) *Meritorious achievement.* A praiseworthy accomplishment, with easily discernible beginning and end, carried through to completion. The length of time involved is not a consideration but speed of accomplishment may be a factor in determining the worth of the enterprise.

(j) *Meritorious service.* Praiseworthy execution of duties over a period of time. Service differs from achievement in that service concerns a period of time while achievement concerns an enterprise having a definite beginning and end but not necessarily connected with a specific period of time.

(k) *Peacetime criteria.* The criteria applied:

(1) In a period when the United States is not engaged in the prosecution of a formal declared war, or

(2) Outside a combat zone when the United States is engaged in military operations against an armed enemy, but is not prosecuting a formal declared war, except that in the communications zone, those individuals whose duties are in connection with military operations against an armed enemy may be considered under war criteria.

(l) *Shall have distinguished himself or herself by.* The person thus described must have, by praiseworthy accomplishment, set himself apart from his comrades or from other persons in the same or similar circumstances. Determina-

tion of this distinction requires careful consideration of exactly what is or was expected as the ordinary, routine, or customary behavior and accomplishment for individuals of like rank and experience for the circumstances involved.

(m) *Wartime criteria.* The criteria to be applied under the following conditions:

(1) During a period of formal, declared war and for 1 year after the cessation of hostilities, or

(2) During a period of military operations against an armed enemy and for 1 year after the cessation of hostilities. Only those individuals actually in the combat zone or those individuals in the communications zone whose duties involve direct control or support of combat operations, are to be considered under wartime criteria.

§ 578.3 *General provisions governing the awards of decorations—(a) To whom awarded.* See figure 1.

(b) *Recommendations.* (1) It is the responsibility and privilege of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration to submit a recommendation for consideration.

(2) Recommendations may be submitted in letter form but it is preferable that (DA Form 638) Recommendation for Award (Heroism, meritorious

achievement or service) be used. This form is self-explanatory; however, close attention to detail is most essential. A separate recommendation including a proposed citation will be submitted for each proposed award and only one proposed recipient will be named in a single recommendation. Lucid reporting of facts, not flowery generalities, will be most likely to achieve the object of the recommendation. Statements of eyewitnesses, preferably in the form of certificates, affidavits, or sworn statements, extracts from official records, sketches, maps, diagrams, photographs, etc., will be attached to support and amplify stated facts. The proposed citation usually will be limited to one typewritten page (8 x 10½ inches) double spaced.

(3) To be fully effective a decoration must be timely. Undue delay in the submission of a recommendation may preclude its consideration as noted in paragraph (m) of this section. It is highly desirable that a recommendation be placed in military channels and acted on as quickly as possible. If circumstances preclude submission of a completely documented recommendation it is best to submit it as soon as possible and note that additional data is to be submitted later. Action by intermediate headquarters and by the final approving authority will be as expeditious as possible, consistent with full and weighted judgment.

UNITED STATES MILITARY DECORATIONS—LISTED IN ORDER OF WEARING

Decorations	By whom awarded	Recognition of heroism								Recognition of meritorious achievement or service			
		Combat				Noncombat							
		War-time	Peacetime	U. S. military personnel	U. S. civilians	Foreign military	Foreign civilians	U. S. military	U. S. civilians	Foreign military	Foreign civilians	U. S. military	U. S. civilians
Military:													
Medal of Honor	(a)			X									
Distinguished Service Cross	(b)			X		X						X	
Distinguished Service Medal	(c)			X		X						X	
Silver Star	(d)			X		X						X	
Legion of Merit	(e)			X		X						X	
Distinguished Flying Cross	(f)			X		X		X		X		X	
Soldier's Medal	(g)			X		X		X		X		X	
Bronze Star Medal w/V device	(h)			X	X	X							
Bronze Star Medal	(i)			X	X	X				X	X	X	X
Air Medal	(j)			X	X	X				X	X	X	X
Commendation Ribbon w/M.P.	(k)			X	X					X	X	X	X
Purple Heart	(l)			X	X			(f)	(f)	(f)	(f)	(f)	(f)
Nonmilitary:													
Medal for Merit	(m)			X	X	X	X	(g)	(g)	(g)	(g)	X	X
National Security Medal	(n)			X	X	X	X	(h)	(h)	(h)	(h)	X	X
Medal of Freedom	(o)			X	X	X	X	(i)	(i)	(i)	(i)	X	X

- * The President.
 * The Secretary of the Army.
 * The Senior Army Commander of a separate force or by other delegation as provided in § 578.3 (c) (1), (2), and (3) with limitations indicated in § 578.3 (c) (4).
 * By specific delegation of authority by Secretary of the Army.
 * Major General or higher or Brigadier General in position of a Major General. Heads of administrative services.
 * The Army Medal of Honor is awarded only to Army officer or enlisted personnel.
 * Degree will be specified for each award.
 * Awarded in recognition of wounds.
 * No longer awarded.

(4) A recommendation for the award of a decoration based on a period of meritorious service will not normally be acted on more than 30 days prior to the projected end of that period. Such an award normally will not be made until the duties which the individual has been performing are terminated. When an individual departing an organization or installation desires to initiate a recom-

mendation for an award for meritorious service for an individual who is remaining in the command, he should leave the recommendation in written form with the commanding officer or with his own successor for final action when the person recommended becomes eligible for consideration, as indicated in subparagraphs (1) to (4) of this paragraph.

(5) Recommendations for all awards which may not be finally acted on in the field pursuant to delegated authority will be forwarded through channels to The Adjutant General, or directly to The Adjutant General if the use of military channels is impracticable. Each intermediate headquarters will express approval or disapproval, indicating reasons if disapproved. When an interim award is made a copy of the orders and citation will be added to the recommendation when it is forwarded.

(c) *By whom awarded—wartime criteria.* The award of the Medal of Honor is made by the President. Awards of other decorations are made by the President, the Secretary of Defense, and the Secretary of the Army, except that during a period when wartime criteria apply, authority to award decorations is delegated as follows:

(1) The Distinguished-Service Cross, Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, Air Medal, and Commendation Ribbon with Metal Pendant may be awarded to members of the Armed Forces of the United States by the senior Army commander of any separate force or by subordinate commanders to whom he may delegate this authority, provided that the authority will not be delegated to any commander below the grade of major general. Authority may be delegated to any commander in the grade of brigadier general while he is in command of a tactical unit and, as such, is occupying the established position vacancy of a major general. No award will be made under the provisions of this paragraph to a member of another United States Armed Forces service without the concurrence of the respective senior commander present.

(2) The Distinguished-Service Cross and Silver Star may be awarded by the commanding general of a United States Army force in a theater of operations to officers and members of crews of ships of the United States Merchant Marine serving under his jurisdiction.

(3) The Legion of Merit may be awarded only by commanders specifically designated by the Secretary of the Army.

(4) The Silver Star, Distinguished-Flying Cross, Soldier's Medal, Bronze Star Medal, and Air Medal may be awarded by the commanders indicated in subparagraph (1) of this paragraph, to members of the armed forces of friendly foreign nations, provided concurrence has been obtained from the senior commander present in the theater of hostilities for an award to one of his own nationals, except as shown in subdivisions (i) and (ii) of this subparagraph. Such concurrence will be regarded as constituting approval by his government for acceptance of the award. A recommendation for any of these awards will be forwarded to the Department of the Army when:

(i) The senior commander of a cobelligerent force is unable to obtain the approval of his government.

(ii) An award to a flag or general officer or to the senior officer of the cobelligerent force present in the area is contemplated.

(5) The Purple Heart may be awarded by the commanding general of any separate force who is in the grade or position of a major general or higher or by any field grade officer to whom he may delegate the authority. The award may be made to members of the Armed Forces of the United States, to officers and members of crews of ships of the United States Merchant Marine serving within the area of his command, to civilian citizens of the United States serving with the Army, and to civilian citizens of the United States whose presence within the command has been approved (examples: war correspondents, Red Cross, and USO personnel).

(6) The Medal of Freedom may be awarded by such officers as may be designated by the Secretary of the Army.

(7) The National Security Medal shall be awarded by the President or his designee for that purpose under either wartime or peacetime criteria.

(d) *By whom awarded—peacetime criteria.* (1) Awards for peacetime services are made by the President, the Secretary of Defense and the Secretary of the Army with the following exception: The Commendation Ribbon with Metal Pendant may be awarded by any commanding general in the grade of major general or higher, by the heads of administrative and technical services, or by a general officer commanding an organization normally commanded by a major general, to military personnel of the United States below the grade of brigadier general, provided the period of service for which the award is made exceeds 6 months, or meets the requirements of AR 600-80 (Army Regulations relative to military participation in suggestion programs).

(2) The Legion of Merit and the Medal of Freedom are the only United States decorations which may be awarded by the Army to foreign nationals under peacetime criteria.

(e) *Civilian components.* Awards of the Soldier's Medal, Distinguished-Flying Cross, Air Medal, and Commendation Ribbon with Metal Pendant may be made by the Secretary of the Army to members of the civilian components of the Army not in Federal service or on active duty for acts and services incident to membership in such civilian components or directly related to attendance on occasions of military duty.

(f) *Posthumous awards.* Awards may be made following the decease of the person being honored in the same manner as they are made for a living person except that the orders and citation will indicate that the award is being made posthumously. Engraved certificates for presentation with the decorations will not contain the word posthumous. When the next of kin resides in the United States, orders announcing the award, together with the citation and related papers will be forwarded to The Adjutant General who will cause presentation to be made. Eligible classes of next of kin are listed in the order of their precedence in § 578.25a (b).

(g) *Interim awards.* To insure prompt recognition of an act, achievement, or service, the award of a suitable lesser

military decoration may be made by appropriate authority pending final action on a recommendation for a higher award. Each such lesser award will be revoked simultaneously with an award of a higher military decoration for the same act.

(h) *Awards of a lower decoration.* When an interim award has not been made as provided in paragraph (g) of this section, the commander having authority to take final action in the case may award a lower decoration in lieu of the one recommended.

(i) *Duplication of awards.* Only one military decoration will be awarded for the same act, achievement, or period of meritorious service. An award for meritorious service may include meritorious achievements, but duplicating awards will not be made for meritorious achievement and meritorious service involving the same period of time. Continuation of the same or similar type service already recognized by an award for meritorious service will not be given a second award. If appropriate, an award may be made to include the extended period of service by superseding the earlier award, or if considered appropriate by the awarding authority, and desired by the individual, the award previously made may be amended to incorporate the extended period of service. An award for heroism performed within a period which is recognized by an award for meritorious service is not a duplication.

(j) *Conversion of awards.* Awards of certain decorations on the basis of existing letters, certificates, and/or orders, as hereinafter authorized will be made only upon letter application of the individuals concerned to The Adjutant General, Washington 25, D. C. If possible, the applicant for the conversion of an award of the Bronze Star Medal or Commendation Ribbon should inclose the original or a copy of the documentation which he wishes to have considered, or furnish all possible details as to time, place, and deed or service to assist in locating any copy of the commendation which may have been recorded.

(k) *Character of service.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service shall not have been honorable. The act of July 9, 1918 (40 Stat. 871) as amended (10 U. S. C. 1409); the act of July 2, 1926 (44 Stat. 789), as amended (10 U. S. C. 1429).

(l) *Disapproval of awards.* Whenever a recommendation for the award of a decoration is disapproved, the disapproving officer will indicate the specific reason or reasons for such action. The disapproval of a recommendation by an officer subordinate to the commander having authority to award the decoration will not constitute authority for the return of the recommendation to the initiator, except that recommendations for an award for meritorious service which describe only performance of normal duty in time of peace will be automatically disapproved and returned to the initiator. All recommendations which have been finally disapproved by the commander

having authority to award the decoration recommended will be considered by that commander for the award of a lesser but appropriate decoration which, if approved, will be forwarded in lieu thereof. All disapproved recommendations will be returned to the initiator if he is in the military service and will be returned through the same channels employed for forwarding.

(m) *Time limitations.* By operation of law a military decoration will not be awarded more than 3 years after the action or period of service being honored, and in each instance the recommendation for an award must be formally entered into military channels within 2 years of the date of the act, achievement, or service to be honored.

(1) Awards of military decorations may be made in cases where prior similar recommendations have been acted upon by commanders who had authority to approve the awards, provided the requests for reconsideration or upgrading are submitted within the time limits prescribed above and such requests are accompanied by new and material evidence in support thereof.

(2) Awards of military decorations may be made in recognition of previously issued orders, letters, or certificates, and in exchange of decorations as may be hereinafter authorized.

(3) When it reasonably can be established that a recommendation was placed in official channels within the prescribed time limits and has become lost, the certificate of an officer or affidavit of an enlisted person to that effect, accompanied by a copy of the original recommendation if available, or a statement of the substance of the original recommendation may be accepted. This exception applies only to recommendations submitted for acts or services performed after September 2, 1945.

(n) *Announcement of awards.* All awards made pursuant to delegated authority will be announced in general orders by the commander authorized to make the award. Complete citations for acts of heroism are normally included in orders announcing the award. Orders announcing awards for meritorious achievement and meritorious service normally include only the places and inclusive dates of such achievements and services; the complete citation is then prepared separately for presentation and record purposes. Awards made by the President and the Secretary of the Army will be announced in Department of the Army General Orders when appropriate.

(o) *Recording of awards.* The award of a military decoration will be entered in the personnel records of the recipient and in the unit history of his organization in the manner prescribed in Army regulations.

(p) *Engraving of awards.* The Medal of Honor is engraved with the grade, name, and organization of the recipient. The Medal of Freedom is engraved on the edge, and the reverse of all other decorations is engraved with the name of the recipient. Normally, engraving will be accomplished prior to presentation. When this is impracticable, the recipient will be advised of his privilege

to mail the decoration to Commanding General, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania, for engraving at Government expense.

(q) *Presentation of decoration—(1) Medal of Honor.* The Medal of Honor is usually presented to living recipients by the President of the United States at the White House. Posthumous presentation to the next of kin is normally made in Washington, D. C., by the President or his personal representative.

(2) *Other United States military decorations.* Presentation will be timely. They will be made with an appropriate air of formality and with fitting ceremony.

(3) *Conversion awards.* Conversion awards are not usually presented with formal ceremony, however, such presentation may be made at the discretion of local commanders.

(4) *Act of presentation.* A decoration may be pinned on the clothing of the recipient, whether in uniform or civilian clothing or on the next of kin in the case of an award following death; however, this will not be construed as authority for any person other than the individual honored by the decoration to wear it. As an alternative to pinning the decoration, it may be handed to the recipient in an open decoration container.

§ 578.4 *Medal of Honor—(a) Criteria.* The Medal of Honor, established by a Joint Resolution of Congress on July 12, 1862, is awarded in the name of Congress to each person who, while an officer or enlisted person of the Army, shall have distinguished himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty in action involving actual conflict with an enemy (fig. 1). The deed performed must have been one of personal bravery of self-sacrifice, so conspicuous as to clearly distinguish the individual for gallantry and intrepidity above his or her comrades and must have involved risk of life. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit. Eligibility is limited to members of all components of the Army of the United States in the active service.

(b) *Description.* A gold-finished bronze star, one point down, $1\frac{1}{16}$ inches in diameter with rays terminating in trefoils, surrounded by a laurel wreath in green enamel, suspended by two links from a bar bearing the inscription "Valor" and surmounted by an eagle grasping laurel leaves in one claw and arrows in the other. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress To." The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a light-blue moiré silk neckband, $1\frac{1}{16}$ inches in width and $21\frac{3}{4}$ inches in length, behind a square pad in the center made of the ribbon with the corners turned in. On the ribbon bar are 13 white stars arranged in the form of a

triple chevron, consisting of two chevrons of 5 stars and one chevron of 3 stars. A hexagonal rosette of light-blue ribbon $\frac{1}{2}$ inch circumscribing diameter, with a fan-shaped ribbon insert showing white stars, is included for wear on civilian clothing.

(c) *Medal of Honor Roll.* The Medal of Honor Roll was established by act of Congress, April 27, 1916. It provides that a person to whom the Medal of Honor has been awarded may, upon attaining age 65 and having been honorably discharged from the service by muster-out, resignation, or otherwise, have his name entered on the Medal of Honor Roll. Persons whose names are placed on the Medal of Honor Roll are certified to the Veterans Administration as being entitled to receive a special pension of \$10 per month, for life, payable monthly by that agency. The payment of this special pension is in addition to and does not deprive the pensioner of any other pension, benefit, right, or privilege to which he or she is or may thereafter be entitled. A written application must be made by the former member of the Army to have his or her name placed on the Medal of Honor Roll. The application will bear the full personal signature of the applicant and be directed to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGBS-AD. No form is prescribed for application.

(d) *Additional benefits.* (1) Air transportation: See AR 96-20 (Army Regulations pertaining to Air Transportation).

(2) Sons of winners of the Medal of Honor, otherwise qualified for admission to the United States Military Academy, will not be subject to quota requirements (see annual catalog, United States Military Academy).

(40 Stat. 870; 10 U. S. C. 1403)

§ 578.5 *Distinguished-Service Cross—(a) Criteria.* The Distinguished Service Cross, established by act of Congress on July 9, 1918, is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by extraordinary heroism in connection with military operations against an armed enemy (fig. 1). The acts of heroism performed must have been so notable and have involved risk of life so extraordinary as to set the individual apart from his or her comrades.

(b) *Description.* A cross of bronze 2 inches in height and $1\frac{1}{16}$ inches in width with an eagle on the center and a scroll below the eagle bearing the inscription "For Valor." On the reverse, the center of the cross is circled by a wreath. The cross is suspended by a ring from moiré silk ribbon, $1\frac{3}{8}$ inches in length and $1\frac{1}{2}$ inches in width, composed of a band of red ($\frac{1}{8}$ -inch), white ($\frac{1}{16}$ -inch), blue (1-inch), white ($\frac{1}{16}$ -inch), and red ($\frac{1}{8}$ -inch).

(40 Stat. 870; 10 U. S. C. 1406)

§ 578.6 *Distinguished-Service Medal—(a) Criteria.* (1) The Distinguished-Service Medal, established by act of Congress on July 9, 1918, is awarded to any person who, while serving in any capac-

ity with the Army of the United States, shall have distinguished himself or herself by exceptionally meritorious service to the Government in a duty of great responsibility (fig. 1). The performance must be such as to merit recognition for service which is clearly exceptional. Superior performance of normal duty will not alone justify an award of this decoration.

(2) For service not related to actual war the term "duty of great responsibility" applies to a narrower range of positions than in time of war, and requires evidence of conspicuously significant achievement. However, justification of the award may accrue by virtue of exceptionally meritorious service in a succession of high positions of great importance.

(3) Awards may be made to persons other than members of the Armed Forces of the United States for wartime services only, and then only under exceptional circumstances with the express approval of the President, in each case.

(b) *Description.* The coat of arms of the United States in bronze surrounded by a circle of dark-blue enamel $1\frac{1}{2}$ inches in diameter, bearing the inscription "For Distinguished Service MCMXVIII." On the reverse, a blank scroll upon a trophy of flags and weapons. The medal is suspended by a bar from a moiré silk ribbon, $1\frac{1}{8}$ inches in length and $1\frac{1}{8}$ inches in width, composed of a bank of scarlet ($\frac{5}{16}$ -inch), a stripe of dark-blue ($\frac{1}{16}$ -inch), a band of white ($\frac{5}{16}$ -inch), a stripe of dark-blue ($\frac{1}{16}$ -inch), and a band of scarlet ($\frac{5}{16}$ -inch).

(40 Stat. 870; 10 U. S. C. 1407, 1408)

§ 578.7 *Silver Star.* (a) *Criteria.* The Silver Star, established by act of Congress July 9, 1918, is awarded to any person who, while serving in a capacity with the Army, has distinguished himself or herself by gallantry in action not warranting the award of the Medal of Honor or Distinguished-Service Cross, and to any person who, while serving in any capacity with the Army, received a citation for gallantry in action in World War I published in orders issued at the headquarters of a force commanded by a general officer. See figure 1.

(1) The required gallantry, while lesser degree than that required for the award of the Medal of Honor or Distinguished-Service Cross, must nevertheless have been performed with marked distinction.

(2) Awards may be made, upon letter application to The Adjutant General, to those individuals who, prior to December 7, 1941, have been cited for gallantry in action in orders as indicated in this paragraph.

(b) *Description.* A bronze star $1\frac{1}{2}$ inches in circumscribing diameter. In the center thereof is a $\frac{3}{16}$ -inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse has the inscription "For Gallantry in Action." The star is suspended by a rectangular-shaped metal loop with corners rounded from a moiré silk ribbon $1\frac{1}{8}$ inches in length and $1\frac{1}{8}$ inches in width, composed of stripes of blue

($\frac{3}{32}$ -inch), white ($\frac{3}{32}$ -inch), blue ($\frac{7}{32}$ -inch), white ($\frac{7}{32}$ -inch), red ($\frac{7}{32}$ -inch), white ($\frac{7}{32}$ -inch), blue ($\frac{7}{32}$ -inch), white ($\frac{3}{4}$ -inch), and blue ($\frac{3}{32}$ -inch).

(40 Stat. 871, as amended; 10 U. S. C. 1412)

§ 578.8 *Legion of Merit.* The Legion of Merit, established by act of Congress July 20, 1942, is awarded to any member of the Armed Forces of the United States or of a friendly foreign nation who has distinguished himself or herself by exceptionally meritorious conduct in the performance of outstanding services. See figure 1.

(a) *Criteria for Armed Forces of the United States.* (1) The performance must have been such as to merit recognition of key individuals for service which was clearly exceptional. Superior performance of normal duties will not alone justify an award of this decoration.

(2) For service not related to actual war the term "key individuals" applies to a narrower range of positions than in time of war and requires evidence of significant achievement. However, justification of the award may accrue by virtue of exceptionally meritorious service in a succession of important positions.

(3) The accomplishment of the duty should have been completed prior to submitting a recommendation, or if the person being recommended has been transferred prior to completion, the accomplishment must have progressed to what may be clearly determined to be an exceptional degree.

(4) Awards will be made without reference to degree and for each such award, the Legion of Merit (Legionnaire) will be issued.

(b) *Criteria for armed forces of foreign nations.* (1) See AR 672-7 (Army Regulations pertaining to Legion of Merit for foreign nationals).

(2) Each award will be made in one of the following degrees, which are listed in order or rank:

- (i) Chief Commander.
- (ii) Commander.
- (iii) Officer.
- (iv) Legionnaire.

(3) Awards of this decoration in the degrees of Chief Commander and Commander are comparable to awards of the Distinguished-Service Medal and the standards prescribed in § 578.6 (a) will be applied in considering such awards.

(4) Awards in the lesser degrees of this decoration are comparable to awards of the Legion of Merit to members of the Armed Forces of the United States and the standards prescribed in paragraph (a) of this section are applicable.

(5) Second or succeeding awards of this decoration will be in the same or a higher degree than the previous award.

(c) *Description.*—(1) *Chief Commander.* A doomed five-pointed American white star plaque of heraldic form bordered in purplish-red enamel $2\frac{1}{16}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and the

wreath. The reverse is engraved with the words "United States of America."

(2) *Commander.* A five-pointed American white star of heraldic form bordered in purplish-red enamel $2\frac{1}{4}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with pierced, crossed arrows pointing outward between each arm of the star and the wreath. A bronze wreath connects an oval suspension ring to a neck ribbon. The reverse of the five-pointed star is enameled in white, bordered in purplish-red enamel; in the center is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The moiré silk neck ribbon is $2\frac{1}{4}$ inches in length and $1\frac{1}{16}$ inches in width composed of a bank of purplish-red ($1\frac{1}{16}$ -inches) with edges of white ($\frac{1}{16}$ -inch).

(3) *Officer.* A five-pointed American white star of heraldic form bordered in purplish-red enamel $1\frac{7}{8}$ inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star, a laurel wreath with modeled, crossed arrows pointing outward between each arm of the star and the wreath, and an all-bronze device of the same design as the pendant $\frac{3}{4}$ inch in diameter on the center of the suspension ribbon. On the reverse is a disk surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," and on the scroll are the words "United States of America." The pendant is suspended by a moiré silk ribbon $1\frac{7}{8}$ inches in length and $1\frac{1}{8}$ inches in width, composed of a band of purplish-red ($1\frac{1}{8}$ -inches) with edges of white ($\frac{1}{16}$ -inch).

(4) *Legionnaire.* Same as prescribed in subparagraph (3) of this paragraph, except the all-bronze device is not worn on the ribbon.

(58 Stat. 662; 10 U. S. C. 1408b. E. O. 9260, October 29, 1942, 7 F. R. 8819; 33 CFR, 1943 Cum. Supp.)

§ 578.9 *Distinguished-Flying Cross.*

(a) *Criteria.* The Distinguished-Flying Cross, established by act of Congress July 2, 1926, is awarded to any member of the Armed Forces of the United States and of friendly foreign nations who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism or extraordinary achievement while participating in aerial flight (fig. 1). The performance of the act of heroism must be evidenced by voluntary action in the face of great danger above and beyond the call of duty while participating in aerial flight. The extraordinary achievement while participating in aerial flight must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from his comrades, or from other persons in similar circumstances. Awards will be made only to recognize single acts of heroism or extraordinary achievement and will not be made in recognition of sustained operational activities against an armed enemy. It should also be noted that if a higher decoration is considered to be merited for the heroism or extraordinary achievement while participating

in aerial flight, recommendation may be made for any appropriate higher award.

(b) *Description.* On a bronze $1\frac{1}{2}$ -inch cross pattee, a four-bladed propeller $1\frac{1}{16}$ inches across the blades; in the reentrant angles, rays forming a 1-inch square. The cross is suspended by a plain, straight link from a moired silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of stripes of blue ($\frac{3}{16}$ -inch), white ($\frac{1}{16}$ -inch), blue ($\frac{1}{32}$ -inch), white ($\frac{3}{16}$ -inch), red ($\frac{3}{32}$ -inch), white ($\frac{3}{16}$ -inch), blue ($\frac{1}{32}$ -inch), white ($\frac{1}{16}$ -inch), and blue ($\frac{3}{16}$ -inch).

(44 Stat. 789, as amended; 10 U. S. C. 1429; E. O. 4601, March 1, 1927, as amended by E. O. 7786, January 8, 1938, 3 F. R. 39)

§ 578.10 *Soldier's Medal*—(a) *Criteria.* The Soldier's Medal, established by act of Congress July 2, 1926, is awarded to any person who, while serving in any capacity with the Army of the United States, shall have distinguished himself or herself by heroism not involving actual conflict with an armed enemy (fig. 1). The same degree of heroism is required as that for an award of the Distinguished-Flying Cross. The performance must have involved personal hazard or danger and the voluntary risk of life under conditions other than those involving conflict with an armed enemy. Awards will not be made solely on the basis of having saved a life. The award of this decoration will be limited to members of the Armed Forces of the United States and of friendly foreign nations.

(b) *Description.* On a $1\frac{3}{8}$ -inch bronze octagon, an eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse is a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal," and across the face the words "For Valor." The medal is suspended by a rectangular-shaped metal loop with corners rounded from a moired silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of two outside stripes of blue ($\frac{3}{16}$ -inch), the center containing 13 white and red stripes of equal width (7 white and 6 red).

(44 Stat. 789; 10 U. S. C. 1428)

§ 578.11 *Bronze Star Medal*—(a) *Criteria.* The Bronze Star Medal, established by Executive Order on February 4, 1944, is awarded to any person who, while serving in any capacity in or with the Army of the United States, on or after December 7, 1941, shall have distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy. See figure 1.

(1) *Heroism.* Awards may be made for acts of heroism performed in actual ground combat against an armed enemy which are of lesser degree than required for the award of the Silver Star.

(2) *Meritorious achievement and service.* (i) Awards may be made to recognize single acts of merit and meritorious service. The required achievement or service, while of lesser degree than that

required for the award of the Legion of Merit, must nevertheless have been meritorious and accomplished with distinction.

(ii) Awards may be made, upon letter application to The Adjutant General, to those members of the Armed Forces of the United States who, on or after December 7, 1941, have been awarded the Combat Infantryman Badge or Medical Badge for exemplary conduct in ground combat against an armed enemy between December 7, 1941 and September 2, 1945, inclusive, or whose meritorious achievement or exemplary conduct in ground combat against an armed enemy during such period has been otherwise confirmed in writing by documents executed prior to July 1, 1947. Documents which have been executed since August 4, 1944 in connection with recommendations for the award of decorations of higher degree than the Bronze Star Medal will not be used to establish a basis for the award of this decoration under the provisions of this paragraph.

(b) *Description.* A bronze star $1\frac{1}{2}$ inches in circumscribing diameter. In the center thereof is a $\frac{3}{16}$ -inch diameter raised bronze star, the center line of all rays of both stars coinciding. The reverse has the inscription "Heroic or Meritorious Achievement." The star is suspended by a rectangular-shaped loop with corners rounded from a moired silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of stripes of white ($\frac{1}{32}$ -inch), red ($\frac{1}{16}$ -inch), white ($\frac{1}{32}$ -inch), blue ($\frac{1}{8}$ -inch), white ($\frac{1}{32}$ -inch), red ($\frac{1}{16}$ -inch), and white ($\frac{1}{32}$ -inch). A bronze block letter "V" $\frac{1}{4}$ inch in height with serifs at the top of the members is worn on the suspension and service ribbons of the Bronze Star Medal to denote an award made for heroism (valor). Not more than one "V" device will be worn. When one or more oak-leaf clusters appear on the same ribbon the "V" device is worn on the wearer's right.

(E. O. 9419, February 4, 1944, 9 F. R. 1495)

§ 578.12 *Air Medal*—(a) *Criteria.* The Air Medal, established by Executive Order on May 11, 1942, is awarded to any person who, while serving in any capacity in or with the army of the United States, has distinguished himself or herself by meritorious achievement while participating in aerial flight (fig. 1). Awards may be made to recognize single acts of merit or sustained operational activities against an armed enemy. The required achievement, while of lesser degree than that required for the award of the Distinguished-Flying Cross, must nevertheless have been accomplished with distinction above, and beyond that normally expected.

(b) *Description.* A bronze compass rose $1\frac{1}{16}$ -inches circumscribing diameter suspended by the pointer and charged with an eagle volant carrying two lightning flashes in its talons. The points of the compass rose on the reverse are modeled with the central portion plain. The medal is suspended from a moired silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a band of ultramarine blue ($\frac{1}{8}$ -inch), a band of golden orange ($\frac{1}{4}$ -inch), a band of ultramarine blue ($\frac{3}{8}$ -inch), a band of golden

orange ($\frac{1}{4}$ -inch), and a band of ultramarine blue ($\frac{1}{8}$ -inch), by a ring engaging the pointer.

(E. O. 9158, May 11, 1942, 7 F. R. 3541, as amended by E. O. 9242A, September 11, 1942, 7 F. R. 7874)

§ 578.13 *Commendation Ribbon with Metal Pendant*—(a) *Criteria.* The Commendation Ribbon with Metal Pendant, established by the Secretary of War on December 18, 1945, is awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army on or after December 7, 1941, shall have distinguished himself or herself by meritorious achievement or meritorious service. See figure 1.

(1) The required meritorious achievement or meritorious service, while of lesser degree than that required for the award of the Legion of Merit, must nevertheless have been accomplished with distinction and must have been of the same degree as required for the award of the Bronze Star Medal or Air Medal. An award may be made when the operational requirements for the award of the Bronze Star Medal have not been fully met. An award may be made for acts of outstanding courage which do not meet the requirements for an award of the Soldier's Medal.

(2) For services not related to actual war, the award of the Commendation Ribbon with Metal Pendant may be made to officers and enlisted men to recognize:

(i) Acts of courage which do not meet the requirements for an award of the Soldier's Medal, and

(ii) Unusual or outstanding services, either in the continental United States or overseas.

The Commendation Ribbon with Metal Pendant will not be awarded to general officers either in peace or war.

(3) It is particularly desirable that awards of this decoration be made to outstanding company-grade officers, warrant officers, and enlisted personnel whose achievements and services meet the prescribed standards.

(4) Awards may be made, upon letter application to The Adjutant General, to those individuals who were commended on or after December 7, 1941 and prior to January 1, 1946 in a letter, certificate, or order of commendation, as distinguished from letters of appreciation, signed by a major general or officer occupying the position vacancy of a major general or by an officer of higher grade.

(5) The Commendation Ribbon with Metal Pendant may be awarded in connection with military participation in the Department of the Army Suggestion Program.

(6) Those individuals who, as members of the Army, were awarded the Commendation Ribbon prior to October 1, 1949, will, upon application to The Adjutant General, be issued the Commendation Ribbon with Metal Pendant. Each letter application will be accompanied by a copy of the commendation and/or the specific authorization for the Commendation Ribbon. The next of kin of individuals who, as members of the Army, were awarded the Commendation

Ribbon prior to October 1, 1949 may likewise make letter application for issuance of the Commendation Ribbon with Metal Pendant.

(b) *Description.* On a 1 $\frac{3}{8}$ -inch bronze hexagon, one point up, an American bald eagle with wings displayed horizontally grasping three crossed arrows and bearing on its breast a shield paly of 13 pieces and a chief. On the reverse between the words "For Military" and "Merit" a panel, all above a sprig of laurel. A moiré silk ribbon 1 $\frac{3}{8}$ inches in length and 1 $\frac{3}{8}$ inches in width, composed of stripes of white ($\frac{3}{32}$ -inch), green ($\frac{25}{64}$ -inch), white ($\frac{1}{32}$ -inch), green ($\frac{1}{16}$ -inch), white ($\frac{1}{32}$ -inch), green ($\frac{1}{16}$ -inch), white ($\frac{1}{32}$ -inch), green ($\frac{1}{16}$ -inch), white ($\frac{1}{32}$ -inch), green ($\frac{1}{16}$ -inch), white ($\frac{1}{32}$ -inch), green ($\frac{25}{64}$ -inch), and white ($\frac{3}{32}$ -inch).

§ 578.14 *Purple Heart*—(a) *Criteria.* The Purple Heart, established by General George Washington at Newburgh, New York, on August 7, 1782 and revived by the President on February 22, 1932, is awarded to any member of the Armed Forces of the United States and to any civilian citizen of the United States serving with the Army who was wounded either in action against an armed enemy of the United States or as a direct result of an act of such enemy, provided the wound necessitated treatment by a medical officer. See Figure 1.

(1) For the purpose of considering an award of this decoration, a "wound" is defined as an injury to any part of the body from an outside force or agent sustained while in action in the face of the armed enemy or as a result of a hostile act of such enemy. A physical lesion is not required, provided the concussion or other form of injury received was directly due to enemy action and required treatment by a medical officer. Awards will not be made by reason of injuries due to frostbite or trenchfoot. Not more than one award of this decoration will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

(2) Record of medical treatment for wounds or injuries received in action as prescribed above must have been made a matter of official record during the period of hostilities or within 6 months thereafter.

(3) Awards may be made, upon letter application, to those individuals who, as members of the Army, prior to December 7, 1941, were awarded Meritorious Services Citation Certificates by the Commander-in-Chief, American Expeditionary Forces, during World War I and/or were authorized to wear wound chevrons.

(4) Those individuals who, as members of the Army, on or after December 7, 1941, were awarded the Purple Heart for meritorious achievement or service in connection with military operations against the enemy may make application for the award of an appropriate decoration in lieu of the Purple Heart.

(5) A Purple Heart will be issued by The Adjutant General to the next of kin of each person entitled to a post-

humous award. Issue will be made automatically as soon as possible after receipt by the Department of the Army of a report of death under circumstances indicating such entitlement, and notwithstanding the fact that the records indicate the presentation of a Purple Heart to the deceased person prior to death.

(b) *Description.* On a purple heart within a bronze border, a profile head in relief of General George Washington in military uniform. Above the heart is a shield of General Washington's coat of arms between two sprays of leaves in green enamel. On the reverse below the shield and leaves without enamel is a raised bronze heart with the inscription "For Military Merit." The entire device is 1 $\frac{1}{16}$ inches in length. The medal is suspended by a rectangular-shaped loop with corners rounded from a moiré silk ribbon 1 $\frac{3}{8}$ inches in length and 1 $\frac{3}{8}$ inches in width consisting of a purple (pansy) center with white edges ($\frac{1}{8}$ -inch).

§ 578.15 *Medal for Merit*—(a) *Criteria.* The Medal for Merit was established by act of Congress on July 20, 1942, to be awarded to civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations who have, subsequent to the proclamation of an emergency by the President, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services. The Medal for Merit has not been awarded since 1952.

(b) *Description.* An eagle displayed standing on a vertical sheaf of arrows bearing the inscription "Novus Ordo Seclorum," all gold-finished bronze, in front of a ring of dark-blue enamel 1 $\frac{1}{2}$ inches in diameter, bearing 13 white enamel stars. On the gold-finished bronze reverse, the ring, in front of the eagle and arrows in reverse, the words "United States of America" at the top and "For Merit" at the bottom in front of a spray of laurel leaves. The medal is connected to the suspension ring by a wreath of laurel leaves, green enamel on the front and gold-finished bronze on the back. The medal is suspended by a moiré silk ribbon 1 $\frac{3}{8}$ inches in length and 1 $\frac{3}{8}$ inches in width, composed of a stripe of purplish-red ($\frac{9}{16}$ -inch), a stripe of white ($\frac{1}{16}$ -inch), a stripe of purplish-red ($\frac{1}{16}$ -inch), a stripe of white ($\frac{1}{16}$ -inch), and a stripe of purplish-red ($\frac{9}{16}$ -inch). A circular cup-shaped rosette of purplish-red ribbon, $\frac{1}{2}$ -inch circumference diameter, with a fan-shaped ribbon insert showing purplish-red and white stripes is included for wear on civilian clothing.

(56 Stat. 662; 10 U. S. C. 1408b)

§ 578.16 *National Security Medal*—

(a) *Criteria.* The National Security Medal, established by Executive Order on January 9, 1953, is awarded to any person, without regard to nationality, including members of the Armed Forces of the United States for distinguished achievement or outstanding contribution on or after July 26, 1947, in the field of intelligence relating to the national security. This contribution may consist

of either exceptionally meritorious service performed in a position of high responsibility or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety.

(b) *Description.* A blue enameled compass rose surrounded by a red enameled oval, the interior dimensions of which are 1 inch vertically and $\frac{7}{8}$ inch horizontally, bearing the inscription "United States of America" at the top and "National Security" at the bottom, the whole enclosed within a laurel wreath of gold-finished bronze surmounted by an American bald eagle standing with wings raised. On the reverse a serial number appears on the eagle and the words "Presented To" are impressed on the compass rose. The name of the recipient is engraved below. The medal is suspended by a loop from a silk moiré ribbon 2 inches in length and 1 $\frac{3}{8}$ inches in width, composed of a band of dark-blue ($\frac{1}{4}$ -inch), gold ($\frac{3}{32}$ -inch), dark blue ($\frac{1}{16}$ -inch), gold ($\frac{3}{32}$ -inch), dark blue ($\frac{1}{4}$ -inch). Diagonal gold lines ($\frac{3}{32}$ inch in width and $\frac{3}{32}$ inch apart) extend downward from the wearer's right to left across the center band of dark blue. The miniature of this medal is furnished at the time of the award.

(E. O. 10431, January 19, 1953, 18 F. R. 437)

§ 578.17 *Medal of Freedom*—(a) *Criteria.* The Medal of Freedom, established by Executive Order 9586, July 6, 1945, as amended by Executive Order 10336, April 3, 1952, is awarded to any person, other than a member of the Armed Forces of the United States, who, on or after December 7, 1941, has performed a meritorious act or service which has aided the United States in the prosecution of a war against an armed enemy or enemies, or has similarly aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies, or during any period of national emergency declared by the President or the Congress, has furthered the interests of the security of the United States or of any nation allied or associated with the United States during such period, when the award of any other United States military decoration is deemed inappropriate. (Fig. 1.) Under special circumstances, without regard to the existence of a state of war or national emergency, the Medal of Freedom may be awarded by, or at the discretion of, the President for performance of a meritorious act or service in the interests of the security of the United States.

(1) Awards to citizens and habitual residents of the United States.

(i) This decoration normally is awarded for acts or services performed within a recognized or designated active theater of operations, but may be awarded for acts or services performed elsewhere under special circumstances. It is not awarded to citizens of the United States for acts or services performed within the continental limits of the United States.

(ii) The required meritorious act or service shall be the same as that required for an award of the Bronze Star Medal to members of the Armed Forces.

(iii) Awards of the Medal of Freedom are made to citizens of the United States without reference to degree or palms.

(2) Awards to Citizens and Members of the Armed Forces of Foreign Nations.

(i) The Medal of Freedom will be awarded in one of the following degrees which corresponds to the respective military decorations indicated:

(a) Gold Palm (Legion of Merit, Chief Commander).

(b) Silver Palm (Legion of Merit, Commander).

(c) Bronze Palm (Legion of Merit, Officer and Legionnaire).

(d) Without Palm (Bronze Star Medal).

(ii) Only one Medal of Freedom either with or without palm shall be awarded to any one person. However, a second or successive award may be evidenced by the addition of a palm or a higher degree.

(b) *Description.* The Medal of bronze is 1 1/4 inches in diameter. On the obverse are the head, shoulders, and headress of Freedom (taken from the statue on the top of the United States Capitol dome). In the lower portion in an arc is the inscription "Freedom." On the reverse is the "Liberty Bell" without carriage, within a circle composed of the words "United States of America." The medal is suspended by a ring from a moiré silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of red (7/16-inch), white (1/32-inch), red (1/8-inch), white (1/32-inch), red (1/8-inch), white (1/32-inch), and red (7/16-inch). The gold, silver, or bronze palm is 1 3/8 inches in length, and is worn on the suspension and service ribbons of the Medal of Freedom with the tip of the palm toward the wearer's right.

(E. O. 9586, July 6, 1945, 10 F. R. 8523, as amended by E. O. 10336, April 3, 1952, 17 F. R. 2957)

§ 578.18 *Appurtenances to military decorations*—(a) *Oak-Leaf-Cluster.* A bronze (or silver) twig of four oak leaves with three acorns on the stem, 1 3/8 inch in length for a suspension ribbon and 5/16 inch in length for a service ribbon is issued in lieu of a decoration for the second or succeeding awards of United States military decorations with the exception that Oak-Leaf Clusters will not be placed on a posthumous award of the Purple Heart. Oak-Leaf Clusters are not issued for the Legion of Merit or the Medal of Freedom awarded in degrees to foreign nationals. Oak-Leaf Clusters are worn attached to the ribbons of the decorations to which they pertain with the stem of the oak leaves toward the wearer's right. A Silver Oak-Leaf Cluster may be worn in lieu of five bronze Oak-Leaf Clusters for the same decoration. In lieu of an Oak-Leaf Cluster a gold compass rose is issued to denote the second or succeeding awards of the National Security Medal.

(b) *Letter "V" Device.* See § 578.11 (b).

(c) *Palm.* See § 578.17 (b).

(d) *Service ribbon.* A ribbon identical in color with the suspension ribbon of the decoration it represents attached to a bar 3/8 inch in width (vertical dimension) and 1 3/8 inches in length, equipped

with a suitable attaching device. A service ribbon is issued with each decoration except the National Security Medal which is provided with an extra length of ribbon for the recipient's use. Service ribbons will not be impregnated with unnatural preservatives nor worn with protective coverings.

(e) *Lapel button.* A lapel button 1/2 inch in length and 2 1/2 inch in width is a colored enamel replica of the respective service ribbon. An enamel lapel button is issued with each decoration except the Medal of Honor and Medal for Merit.

(f) *Rosette.* See § 578.4 (b) and § 578.15 (b).

(g) *Container.* A container, either plastic or leather covered, and plush-lined, containing a decoration, service ribbon, and lapel button or rosette. Each decoration awarded will be furnished in an appropriate container.

(h) *Miniatures.* Miniature decorations and appurtenances are replicas of the corresponding decorations and appurtenances on the scale of one-half. With the exception of the National Security Medal (§ 578.16), miniatures are not presented or sold by the Army but may be purchased from civilian dealers. There is no miniature of the Medal of Honor or the Legion of Merit, degree of Commander.

§ 578.19 *Foreign Decorations*—(a) *Consent required.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince, or foreign state. (Const., art. I, sec. 9, cl. 8.)

(b) *Participation in ceremonies.* In the event an individual is advised that a friendly foreign nation has made an award to him and that his presence is desired at a formal presentation ceremony, the individual may participate in the ceremony and receive the award notwithstanding the absence of the consent of Congress to accept it. The receipt of a foreign award at such ceremony will not constitute an acceptance of the award by the recipient. When the presentation is made without the prior approval of Congress, the appropriate representative of the foreign government will be advised by the recipient or an appropriate representative of the United States of the provisions of the constitution as indicated above. Exceptions to this authorization to participate in ceremonies are noted in paragraph (d) of this section.

(c) *Congressional authorization*—(1) *Action required of recipient.* Except for such foreign awards as previously may have been specifically authorized by the Congress to be accepted, each tender of an award by a foreign government to a member of the Army will be forwarded through The Adjutant General to the Department of State, where it will be held in escrow pending approval by the Congress for the proposed recipient to accept. No foreign decorations or ribbons will be worn prior to such approval by the Congress. The awards, and the original copies of all allied documents, will be forwarded to The Adjutant Gen-

eral by letter of transmittal which will include the full name and service number of the recipient, the name of the award, and a brief statement concerning the service or act for which the award was or is to be made. The date and place of the presentation and the name of the person making the presentation should also be included for record purposes.

(2) *Notification of recipients.* Upon approval by the Congress for the acceptance of a foreign award by a member of the Army of the United States, the recipient will be informed by The Adjutant General, at which time the award will be withdrawn from escrow with the Department of State and forwarded directly to the recipient.

(3) *Current policy.* Only the names of retired personnel for whom the Department of State is holding decorations, orders, medals, or presents tendered them by foreign governments may be transmitted to the Department of State for necessary Congressional action. The list will be compiled and transmitted to the Secretary of State one full month before the beginning of the Second Session of each alternate Congress (every 4 years).

(d) *Military Assistance Program and United Nations Truce supervisory personnel.* (1) Except as indicated in subparagraph (2) of this paragraph, members of the Armed Forces and civilian employees of the United States Government are not authorized to receive decorations from foreign governments for duties performed in connection with the Military Assistance Program, Aid Missions, or United Nations Truce Supervisory Activities. Personnel so assigned are not authorized to participate in presentation ceremonies as provided in paragraph (b) of this section.

(2) The above prohibition does not bar such personnel from receiving awards for services in connection with actual combat operations.

(e) *Authorization not required*—(1) *Former members of armed forces of friendly foreign nations.* The approval of Congress, as prescribed above, is not required to accept any foreign decoration tendered or awarded for services while the recipient was a bona fide member of the armed forces of the respective foreign nation and provided the award is duly accepted in accordance with the regulations of the nation making the award prior to the recipient's entrance into the Armed Forces of the United States.

(2) *Reserve components of the Armed Forces of the United States.* Individuals while not on active duty and while not holding an office of profit or trust under the Government may, without specific consent of the Congress, accept a foreign decoration and may, when authorized to do so by service regulations, wear such decoration on his uniform, provided the award is not in recognition of services performed while the recipient was on active duty with the Armed Forces of the United States.

(3) *Posthumous.* The approval of the Congress, as prescribed above, is not required to accept any foreign decoration tendered or awarded posthumously to a former member of the Army.

§ 578.20 Supply of decorations and appurtenances—(a) Items furnished. The following items will be furnished by the Department of the Army:

- (1) Decorations.
 - (2) Oak-Leaf Clusters.
 - (3) Letter "V" devices.
 - (4) Palms.
 - (5) Service ribbons.
 - (6) Lapel buttons.
 - (7) Rosettes.
 - (8) Compass rose.
 - (9) Certificates for decorations.
 - (10) Containers for decorations.
- (b) *Items not furnished.* The following items are not issued or sold by the Department of the Army.
- (1) Miniature decorations and appurtenances.
 - (2) Miniature service ribbons.
 - (3) Miniature devices.

§ 578.21 Original issue or replacement. Letter requests for decoration or appurtenances which have been awarded but never presented, and requests for replacement or questions pertaining thereto submitted by or on behalf of persons completely separated from the service by discharge or death, when the period of service in question is subsequent to April 1917, should be made to the Commanding Officer, Army Records Center, 9700 Page Boulevard, St. Louis 14, Missouri. All similar correspondence from or pertaining to personnel in the active service, the Army Reserve, the National Guard of the United States, and living retired persons should be directed to The Adjutant General.

(40 Stat. 871; 10 U. S. C. 1416)

§ 578.22 Exhibition—(a) Government agencies. Upon approval by the Secretary of the Army, samples of military decorations may be furnished, without charge, for one display at the headquarters of each Army and higher field commander, in the offices of the chiefs of governmental agencies not under military jurisdiction where opportunity for the public to view the display is assured, and in each office of the Department of the Army the functions of which include matters pertaining to decorations.

(b) *Civilian institutions.* Upon approval of the Secretary of the Army, samples of military decorations may be furnished, at cost price (including the cost of engraving, packing, and shipment), to museums, libraries, numismatic, and military societies and institutions of such public nature as will assure an opportunity for the public to view the exhibits under circumstances beneficial to the Army. All decorations furnished to civilian institutions for exhibition purposes will be engraved with the words "For Exhibition Purposes Only."

(c) *Requests.* Letter requests for decorations for exhibit or display will be made to The Adjutant General, Department of the Army, Washington 25, D. C. Shipment is made direct from the Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

§ 578.23 Certificates for decorations—
Issuance for prior awards. Those indi-

viduals to whom United States military decorations have been awarded subsequent to December 7, 1941, and to whom an appropriate certificate for decoration has not been issued may make application for such certificate by submitting a written request to the appropriate office as indicated in § 578.21. Each request should indicate a reference to the number, date, and headquarters of issue of the order announcing the award.

§ 578.24 Certificate of Appreciation. As a token of appreciation and in recognition of patriotic civilian service rendered to the Department of the Army, a Certificate of Appreciation has been established. This certificate is a standard Department of the Army certificate and will be issued only to individual United States citizens who are not employed by the Department of the Army or were not so employed during the period for which the services are being recognized. This certificate will be issued only by the Department of the Army and to civilians who have performed services of benefit to the Army as a whole.

(a) The Certificate of Appreciation reads as follows:

For patriotic civilian service to the Department of the Army _____ is hereby presented this Certificate of Appreciation. (Signature) Secretary of the Army.

(b) Letter recommendations for issuance of this certificate will be submitted to The Adjutant General through military channels. Each recommendation will describe the type of service rendered; the activity in which performed, and the dates of the service. The relationship and value of this service to the Army as a whole must be clearly indicated. The recommendation will also include the place and date of birth of the person recommended, and statements that the individual is a United States citizen, is not employed by the Army, or was not so employed during the period in which the services to be recognized were rendered. A proposed citation will be inclosed.

(c) A lapel button of gold color, the coat of arms of the United States in the center, surrounded by a red border bearing the words "Patriotic Civilian Service" in gold, will be presented to each person who receives a Certificate of Appreciation.

(d) Any person who received an individual War Department Certificate of Appreciation may make application for a lapel button to The Adjutant General, Department of the Army, Washington 25, D. C., inclosing the original or a photostat copy of the Certificate of Appreciation.

§ 578.25 Accolade and Gold Star lapel button. (a) As a token of appreciation and in recognition of services rendered by those who died in the service of their country, an Accolade signed by the President is issued to the next of kin of record of all military personnel whose death occurred in line of duty during World War II, December 7, 1941 to July 25, 1947, both dates inclusive, and in Korea during military operations from June 27, 1950 to July 27, 1954, inclusive.

The Accolade is also issued to the next of kin of civilians who died overseas or as a result of injury or disease contracted while serving in a civilian capacity with the Armed Forces of the United States during the date and/or in the areas prescribed above in connection with military personnel.

(1) The Accolade reads as follows:

In grateful memory of _____ who died in the service of his (her) country at _____. He (she) stands in the unbroken line of patriots who have dared to die that freedom might live and grow, and increase its blessings. Freedom lives, and through it he (she) lives—in a way that humbles the undertakings of most men. (Facsimile signature) President of the United States.

(2) Accolades will be issued by The Adjutant General upon receipt of reports of death.

(b) In order to provide an appropriate identification for widows, parents, and certain next of kin of members of the Armed Forces of the United States who lost their lives in World War I, April 6, 1917 to March 3, 1921; World War II, September 8, 1939 to July 25, 1947; Korean operations, June 27, 1950 to July 27, 1954; or during any subsequent war or period of armed hostilities in which the United States may be engaged, a Gold Star lapel button was established by an act of Congress on August 1, 1947.

(1) The Gold Star lapel button consists of a gold star on a purple circular background, bordered in gold and surrounded by gold laurel leaves. On the reverse is the inscription "United States of America, Act of Congress, August 1947," with space for engraving the initials of the recipient.

(2) One Gold Star lapel button will be furnished without cost to the widow or widower and to each of the parents of a member of the Armed Forces who lost his or her life while in the active military service during the periods indicated above. The term "widow or widower" includes those who have since remarried, and the term "parents" included mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(3) One Gold Star lapel button will be furnished at cost price to each child, stepchild, child through adoption, brother, half brother, sister, and half sister of a member of the Armed Forces who lost his or her life during any period indicated herein.

(4) Letter applications for Gold Star lapel buttons may be submitted to The Adjutant General or to the Commanding Officer, Army Records Center, 9700 Page Boulevard, St. Louis 14, Missouri, by eligible next of kin of deceased Army personnel enumerated in subparagraphs (2) and (3) of this paragraph.

(5) Under the act, only one Gold Star lapel button will be furnished to eligible individuals, except that whenever a Gold Star lapel button has been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was furnished, such button may be replaced at cost price upon ap-

plication to The Adjutant General. Private manufacture and/or sale of the Gold Star lapel button is prohibited. The design will not be incorporated in any manner in any article manufactured commercially or privately. The law prescribes a fine of \$1,000 and/or imprisonment for 2 years as a penalty for unauthorized wearing or counterfeiting of the Gold Star lapel button, or for possessing a counterfeit of this button.

§ 578.25a Certificate of Honorable Service and Record Service—(Deceased Military Personnel). (a) Certificate of Honorable Service. A Certificate of Honorable Service (DA Form 1563) is issued to the closest next of kind of record in recognition of services rendered by those who die in line of duty while in active military service in time of peace when the Accolade is not appropriate.

(1) The certificate reads as follows:

Honorable Service in the Armed Forces of the United States of America. This is to certify that _____ died while in the service of our country as a member of the Army of the United States on the _____ day of _____. This certificate is awarded as a testimonial of Honest and Faithful Service. (Signature) Secretary of the Army.

(2) Certificates of Honorable Service will be issued by The Adjutant General upon receipt of reports of death.

(b) A Record of Service—Deceased Military Personnel (DA Form 53A). Form 53A will be issued for all military personnel who die while in the active military service or while taking inactive status training as reservists not on active duty, regardless of line of duty status. Commanding officer having custody of the individual's records at time of death will prepare the form in duplicate. The original will be forwarded to the closest next of kin of record of the deceased individual in the following order: widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

§ 578.25b Certificate of Achievement. Commanding officers may recognize periods of faithful service, acts, or achievements which do not meet the standards required for decorations by issuing to individual United States military personnel and United States civilian citizens a Certificate of Achievement.

(a) The Certificate of Achievement may be devised locally by commanding officers and issued under such regulations as they may prescribe; may be printed or lithographed; and may bear reproductions of authorized insignia. A Certificate of Achievement may be used locally for awarding the Good Conduct Medal.

(b) No distinguishing device is authorized for wear to indicate the receipt of a Certificate of Achievement.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-8050; Filed, Oct. 5, 1956;
8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

VOLUNTARY ENTRY ON EXTENDED ACTIVE DUTY

In Part 861, §§ 861.901 to 861.910 are rescinded and the following substituted therefor:

Sec.	
861.901	General.
861.902	Policy.
861.903	Policy for retired officers.
861.904	Eligibility requirements.
861.905	Medical qualifications.
861.906	Length of tours.
861.907	Determining flying status of rated officers.
861.908	Purposes for which officers will not be ordered to extended active duty.
861.909	Applications.

AUTHORITY: §§ 861.901 to 861.908 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended, 5 U. S. C. 22, 171a. Interpret or apply 69 Stat. 598, sec. 8209, 70A Stat. 500; 50 U. S. C. 925, 10 U. S. C. 8209.

DERIVATION: AFR 45-26, July 26, 1956.

§ 861.901 General—(a) Purpose. Sections 861.901 to 861.909 outline the policy for ordering Reserve commissioned officers of the Air Force, other than general officers, to extended active duty voluntarily.

(b) **Definitions—(1) Reserve of the Air Force officers.** Refers to all commissioned officers of the Air Force Reserve and the Air National Guard of the United States. Where the term "officer" is used in §§ 861.901 to 861.909, it means a commissioned officer of the Reserve of the Air Force.

(2) **Extended active duty.** A tour of active military service performed by a Reservist who occupies an authorized troop space of the active military establishment. Strength accountability for such personnel changes from the Reserve component to the active establishment. Tours of active duty under §§ 861.1151 to 861.1166 and section 505 of Title 32 United States Code, are not extended active duty.

(3) **Application.** This refers to a completed AF Form 125, "Application for extended active duty with the United States Air Force," with inclosures required by the instructions on the reverse of the form.

(4) **Officers of the Air Force medical service.** Refers to the following groups of officers within the medical services:

- Medical Corps officers.
- Dental Corps officers.
- Veterinary Corps officers.
- Nurse Corps officers.
- Medical Service Corps officers.
- Medical Specialist Corps officers.

(5) **Effective date of duty.** This means the date the Reservist departs from his home in compliance with orders.

(6) **Travel.** Refers to travel authorized in accordance with current pertinent regulations and the Joint Travel Regulations.

(7) **Delay.** Postponement of the tentative or actual date specified for Reservists to enter on extended active duty.

The term "delay" should not be confused with the term "deferment," which is used in referring to Selective Service registrants whose reporting for military service is deferred under Selective Service law and regulations.

(8) **Appeal.** A request for review by an authorized appellate body of a decision of a delay board on a request for delay.

(9) **Full-time course of instruction.** A full-time schedule course prescribed for resident students in accordance with the regulations of the particular educational institution.

(10) **Master's degree.** An academic degree of advanced character, ranking above the degree of bachelor, awarded by an educational institution empowered to confer such an advanced degree. This does not include the degree of bachelor of laws or a degree of doctor of medicine, dentistry, veterinary medicine, or allied specialties.

§ 861.902 Policy. The entry on extended active duty of officers will be limited, except in time of national emergency, to small programs necessary to provide outstandingly qualified officers to man critical requirements.

(a) Headquarters USAF will determine the number of officers to be ordered to extended active duty and the eligibility criteria they must meet.

(b) Notwithstanding any other provisions of §§ 861.901 to 861.909, Headquarters USAF will retain the authority to select, for extended active duty, chaplains; officers of the Air Force Medical Service; or officers in the grade of colonel.

(c) Entry on extended active duty of individual members of the Air National Guard of the United States will be made only with the consent of the Governor or other appropriate authority of a State, Territory, or the District of Columbia. A member of the Air National Guard of the United States who has committed himself to serve a specified period as a member of the Air National Guard by reason of schooling or training paid from National Guard funds will not be ordered to extended active duty voluntarily until the period of service is completed.

(d) Officers who decline to enter on extended active duty, upon notice of selection, will not be again considered for extended active duty until one year from date of declination.

(e) Officers will be ordered to extended active duty in the permanent Reserve of the Air Force grade held on the effective date of entry on extended active duty, unless authorized a higher temporary grade as prescribed in section 514, Reserve Officer Personnel Act of 1954 (50 U. S. C. Supp. III, 134). If an officer's name appears on an approved promotion list and the effective date of promotion is to be after the date selected for entry on extended active duty, the officer may request his application for extended active duty be withdrawn. A subsequent application for extended active duty will be governed by paragraph (d) of this section. If an officer's effective date of promotion is after his selection for extended active duty, but, before his effective date

RULES AND REGULATIONS

of entry on extended active duty, his selection for extended active duty will be declared void. He will then be considered for entry on extended active duty in accordance with the criteria and against the quotas for the grade to which promoted.

(f) An oath of office will not be accomplished for officers appointed to a higher temporary grade. Such temporary appointments will be considered accepted if orders are complied with.

§ 861.903 Policy for retired officers. (a) The Air Force will not order officers to extended active duty who have been permanently retired for physical disability. The Air Force will not normally order to extended active duty those officers who have been retired for reasons other than physical disability.

(b) The Air Force permits the retirement of officers who qualify under various provisions of law because of physical disability, length of service, or age. As an exception to policy, the Air Force may in limited numbers only, order to extended active duty certain officers retired for reasons other than physical disability. They must be outstandingly qualified for unique assignments that officers on the active list cannot fill or be needed for a position where an officer on the active list cannot be trained to perform the required duties in a reasonable period of time. Economy and effectiveness of operation will be the basic factors considered in reaching a decision. Careful consideration will also be given to the fact that retired officers returned to extended active duty will detract from the possibilities of advancement for officers in the active establishment. Every effort will be made to prevent such occurrence. If an exception is granted, the retired officer must:

- (1) Consent to entry on extended active duty.
- (2) Be returned to duty for the shortest possible time. The tour of duty will be limited to the completion of a particular assignment or to the smallest period of time needed to train a replacement from the active list. When the officer's services are required for more than one year, his retention will be fully justified in writing to the Deputy Chief of Staff, Personnel, Headquarters USAF. Retention beyond the one-year period may not exceed 90 days. A retired officer ordered to extended active duty will not be placed on flying status except with the approval of the Chief of Staff, USAF.

§ 861.904 Eligibility requirements. As a result of limitations which the Air Force operating program imposes from time to time, the Chief of Staff, USAF, may add other criteria to the conditions listed in this section. Additions or deletions will be announced under separate directives, as required:

- (a) To be eligible for extended active duty, all applicants must:
 - (1) Possess a favorable National Agency Check.
 - (2) Possess an indefinite term appointment as a Reserve officer of the Air Force.
 - (3) Agree to enter on extended active duty in the current Reserve of the Air Force grade or in any higher temporary

grade held, if authorized as outlined in § 861.902 (e).

(4) Agree in writing to serve for the periods indicated in § 861.906.

(5) Not be in a deferred status under the Reserve Officer Personnel Act.

(6) Not have attained the following maximum age applicable to his grade.

RATED OFFICERS ON FLYING STATUS

Grade:	Age-in-grade maximum
Lieutenants	30
Captains	33
Majors	37
Lieutenant colonels	37
Colonels	37

NONRATED OFFICERS AND RATED OFFICERS NOT ON FLYING STATUS

Lieutenants	34
Captains	37
Majors	39
Lieutenant colonels	43
Colonels	54

(b) In addition to the requirements outlined in paragraph (a) of this section, the following restrictions apply to female officers. Waivers of these restrictions will not be granted. Female officers must not:

- (1) Be the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody.
- (2) Be the step-parent of a child under 18 years of age if the child is within her household for a period of more than 30 days a year.
- (3) Have personal custody of any child under 18 years of age.

§ 861.905 Medical qualifications. (a) Before extended active duty orders are issued, all officers must be found to be medically qualified in accordance with current pertinent regulations.

(1) Reserve officers serving as airmen or warrant officers who are tentatively selected for extended active duty against Reserve procurement quotas will be advised to report to the surgeon at the installation at which they are based to undergo a standard medical examination.

(2) All other applicants tentatively selected for extended active duty against Reserve procurement quotas will be advised to report to the Air Force installation nearest their home or other convenient Air Force installation possessing necessary examination facilities to undergo a standard medical examination. Appointments for medical examinations should be made in advance of reporting to the installation. Any travel required to undergo the medical examination will be at no expense to the Government.

(b) In order that Reserve procurement quotas may be filled in the time allotted by Headquarters USAF, all major air commanders will insure that necessary medical examinations are accomplished and the results forwarded on a priority basis.

§ 861.906 Length of tours. (a) Officers of the Air Force medical service. Officers of the Air Force medical service as listed in § 861.901 (b) (4) must agree to serve at least the minimum tour indicated in subparagraph (1) of this paragraph. They must concur in the

following statement and include it in the "remarks" section of AF Form 125:

I agree to remain on extended active duty for _____ (Minimum period indicated in subparagraph (1) of this paragraph)

(1) Length of tour. (i) Medical service officers appointed under §§ 887.151 to 887.156, male nurses and medical specialists must agree to serve 3 years.

(ii) Female nurses and medical specialists must agree to serve 2 years.

(iii) Medical, dental and veterinary officers, classified as priority I or III must agree to serve 2 years.

(iv) Medical, dental, and veterinary officers classified as priority II and IV may agree to serve for minimum tours as indicated in subparagraph (2) of this paragraph.

(2) Minimum tour. (i) Officers having less than 9 months prior creditable service may agree to serve 24 months.

(ii) Officers having prior creditable service of 9 months or more but less than 12 months may agree to serve 21 months.

(iii) Officers having prior creditable service of 12 months or more but less than 15 months may agree to serve 18 months.

(iv) Officers having prior creditable service of 15 months or more but less than 21 months may agree to serve 15 months.

(v) Officers having prior creditable service of 21 months or more may agree to serve 12 months.

(3) Minimum tours listed in subparagraph (2) of this paragraph will not prevent officers of the Medical Service from volunteering for a longer tour of duty or from volunteering to remain on extended active duty.

(b) Officers appointed. The length of tour will be that voluntarily agreed upon as a part of the application for appointment.

(c) Officers who have never served on extended active duty as such. 3 years.

(d) All other officers. The length of tour is indefinite. Applicants must agree to and include in the "Remarks" section of AF Form 125 the following certificate:

I agree to remain on active duty for an indefinite period. I understand that this does not preclude my requesting separation from active military service under applicable directives and that approval of any request for separation will be dependent upon the requirements of the Air Force.

§ 861.907 Determining flying status of rated officers. Flying status of rated officers being ordered to extended active duty will be determined in accordance with AFR 36-57 (Flying Status of Rated Personnel). Rated officers who are over-age-in-grade for return to extended active duty on flying status and who are selected for return to extended active duty in a non-rated specialty will submit with their application a request for permanent suspension from flying status.

§ 861.908 Purposes for which officers will not be ordered to extended active duty. Officers will not be ordered to extended active duty under §§ 861.901 to 861.909:

- (a) For trial by courts-martial.

(b) To appear as a witness in a military trial.

(c) To complete a project left unfinished at the time of release from extended active duty.

(d) To correct an error committed by the individual during a previous tour of extended active duty.

(e) To appear before a physical evaluation board.

(f) Primarily to qualify for retirement benefits under any provision of law.

§ 861.909 Applications. All applicants must submit application for extended active duty on AF Form 125. Officers may indicate three zone of interior bases of choice on their applications (AF Form 125). In addition, officers may volunteer for overseas assignment by indicating their choice of overseas theaters (Far East Air Forces, United States Air Forces in Europe, Alaskan Air Command, North-east Air Command, or Caribbean Air Command) on their application (AF Form 125). Officers will not indicate an area within an overseas theater such as Germany, Japan, etc. It must be understood, however, that no assurance of assignment to a base or area of choice may be given since the assignments are based on Air Force-wide requirements. If assigned to a base or area of choice, no assurance can be given that the individual will be retained there for the duration of the active duty tour.

(SEAL) E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 56-8099; Filed, Oct. 5, 1956;
8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956 CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM Correction

In Federal Register Document 56-7844, appearing at page 7471 in the issue for Saturday, September 29, 1956, the following change should be made: In § 421.2033 (a) (2), the list of named counties, immediately following the "All counties" entry for Georgia, should be preceded by the headnote "ILLINOIS".

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 519—FRESH IRISH POTATOES

SUBPART—FRESH IRISH POTATOES LIVESTOCK FEED DIVERSION PROGRAM XMD 3A

Sec.
519.130 General statement.
519.131 Administration.

Sec.
519.132 Area.
519.133 Period of program.
519.134 Rate of payment.
519.135 Eligibility for payment.
519.136 Application and approval for participation.
519.137 Performance bond.
519.138 Period of diversion.
519.139 Definition of diversion.
519.140 Diversion specifications.
519.141 Inspection and certificate of diversion.
519.142 Claim for payment.
519.143 Compliance with program provisions.
519.144 Inspection of premises.
519.145 Records and accounts.
519.146 Set-off.
519.147 Joint payment or assignment.
519.148 Officials not to benefit.
519.149 Amendment and termination.

AUTHORITY: §§ 519.130 to 519.149 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 519.130 General statement. In order to encourage the domestic consumption of fresh Irish potatoes produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payment for the diversion of 1956-crop potatoes for use as livestock feed, subject to the terms and conditions hereinafter set forth. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Offices of the State Agricultural Stabilization and Conservation Committees in the respective States.

County Agricultural Stabilization and Conservation Committees in the respective counties.

§ 519.131 Administration. The program provided for in this part will be administered under the general direction and supervision of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, and in the field will be carried out by the Commodity Stabilization Service through the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees, hereinafter referred to as State and County Committees. Each State Committee will authorize one or more employees of the State Committee to act as representatives of the United States Department of Agriculture, hereinafter referred to as USDA, to approve applications for participation. State and County Committees or their authorized representatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 519.132 Area. This program will be effective in such States or areas as may be designated from time to time by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture. Information with respect to the areas designated may

be obtained from the offices listed in § 519.130.

§ 519.133 Period of program. This program will be effective from the date of this announcement and continue until further notice, but in any event not later than June 30, 1957.

§ 519.134 Rate of payment. The rate of payment per 100 pounds of potatoes meeting the requirements of Specification A as defined in § 519.140 and which are diverted as prescribed in § 519.139 will be 50 cents for potatoes diverted during the months of October, November, and December 1956; 40 cents during the months of January, February, and March 1957; and 30 cents during the months of April, May, and June 1957. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 519.135 Eligibility for payment. Payments will be made under this program to any individual, partnership, association, or corporation located in the continental United States, (a) who executes and files an application for participation on the prescribed forms, (b) whose application is approved, (c) who diverts fresh Irish potatoes directly or through any other person or persons, (d) who files claim as provided in § 519.142, and (e) who otherwise complies with all the terms and conditions of this subpart.

§ 519.136 Application and approval for participation. Persons desiring to participate in this program must submit a written application on Form CSS-177 "Application for Participation in Fresh Irish Potato Livestock Feed Diversion Program—XMD 3a." Each applicant must submit a performance bond as provided in § 519.137. Applications and bonds should be submitted to the County ASC Office for the county within which the potatoes are to be diverted. Applications will be forwarded to the State ASC Office and will be considered in the order received in the respective areas and in accordance with the availability of funds. Applicants will be notified of the approval or non-approval of their application. Approved applications may be modified or amended with the consent of the applicant and the duly authorized representative of the State Committee: *Provided*, That such modification or amendment shall not be in conflict with the provisions of this subpart or any amendment or supplements hereto. An approved applicant is hereinafter referred to as "the diverter."

§ 519.137 Performance bond. Each applicant shall submit with his first application for participation a performance bond as further assurance that the potatoes diverted pursuant to this program will be used exclusively for livestock feed. The bond shall be executed on Form CSS-119 by the principal and two individual sureties, all of whom shall agree to indemnify the USDA for any losses, claims, or payments made by USDA with respect to any quantity of such potatoes not used for livestock feed. The USDA may disapprove any bond if for any reason any surety does not in

the opinion of USDA afford USDA full protection and security.

§ 519.138 Period of diversion. The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before June 30, 1957.

§ 519.139 Definition of diversion. Diversion of potatoes for use as livestock feed as used herein means the preparation of potatoes for feeding to livestock by cutting, chopping, slicing, gouging, crushing, cooking, or ensiling so as to render them unsuitable to enter into normal channels of trade and commerce as potatoes.

§ 519.140 Diversion specifications. Potatoes in connection with which payments will be made must meet the requirements of "Specification A" which is hereby defined as meaning potatoes equal to or better than the quality requirements of U. S. No. 2 grade, and which have either a minimum diameter of 2 inches or a minimum weight of 4 ounces, with no tolerance being allowed for defects or undersize. Long varieties of potatoes which by clipping ends or second growth could be made to meet the quality requirements of U. S. No. 2 grade need not be so clipped to be classed Specification A but the portions which customarily would be clipped off shall not be considered as meeting the requirements of Specification A and this weight shall be deducted in determining the weight of those potatoes in the lot which do meet the requirements of Specification A.

§ 519.141 Inspection and certificate of diversion. Prior to diversion the potatoes shall be inspected by an inspector authorized or licensed by the Secretary of Agriculture to inspect and certify the class, quality, and condition of fresh Irish potatoes. The diverter shall be responsible for requesting and arranging for inspection sufficiently in advance of the diversion so that the inspector can be present to determine the proportion of potatoes in each lot which meet the quality requirements of Specification A. The inspector shall also verify the quantity of potatoes being diverted and that such potatoes have been diverted as defined in § 519.139. The diverter shall furnish such scale tickets, weighing facilities, or volume measurements as determined by the inspector to be necessary for ascertaining the net weight of the potatoes being diverted. The cost of inspecting, verifying the quantity, certifying that diversion has been performed, and issuing certificates thereof shall be borne by the diverter. Certificates shall be prepared on Form CSS-118 "Invoice and Certificates of Inspection and Diversion."

§ 519.142 Claim for payment. In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion," Form CSS-118, to the State ASC Office which approved his application. All such claims shall be filed not later than August 31, 1957.

§ 519.143 Compliance with program provisions. If USDA determines that any quantity of potatoes diverted under this program was not used exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such potatoes and shall be liable to USDA for any other damages incurred as a result of such failure to use the potatoes exclusively for livestock feed purposes. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that: (a) The diverter has failed to use or caused to be used any quantity of potatoes diverted under this program exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverter has not acted in good faith in connection with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding the USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 519.144 Inspection of premises. The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such potatoes as are being diverted or stored for diversion, and to inspect and examine the diverter's facilities for diverting potatoes, in order to determine to what extent there is or has been compliance with the provisions of this program.

§ 519.145 Records and accounts. If the diverter sells or otherwise disposes of potatoes diverted pursuant to this program to any other person or persons for use as livestock feed, the diverter shall keep accurate records and accounts showing the details relative to the diversion and disposition of such potatoes. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine, and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this program. Such records and accounts shall be retained by the diverter for two years after date of last payment to him under the program.

§ 519.146 Set-off. If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due the diverter hereunder. Setting off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 519.147 Joint payment or assignment. The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as

amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS-66 "Notice of Assignment," which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS-347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the State ASC Office or the Washington office shown in § 519.130.

§ 519.148 Officials not to benefit. No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 519.149 Amendment and termination. This subpart may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any potatoes diverted before the effective time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: October 4, 1956.

[SEAL] S. R. SMITH,
Authorized Representative of
the Secretary of Agriculture.

[F. R. Doc. 56-8100; Filed, Oct. 5, 1956;
8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Transport Mobilization Staff, Interstate Commerce Com- mission

[Administrative Order ICC TM-1]

TM-1—ESTABLISHMENT WITHIN THE INTERSTATE COMMERCE COMMISSION OF A UNIT OF THE NATIONAL DEFENSE EXECUTIVE RESERVE

- Sec.
1. Purpose.
 2. Definitions.
 3. Policy and program management.
 4. Designation of members of Executive Reserve.
 5. Security.
 6. Conflict of interest.
 7. Transportation and subsistence.

AUTHORITY: Sections 1 to 7 issued under sec. 710, 64 Stat. 819, as amended; 50 U. S. C. App. 2160. E. O. 10660, 21 F. R. 1117.

SECTION 1. Purpose. (a) There is hereby established within the Interstate Commerce Commission a unit of the National Defense Executive Reserve.

(b) The purpose of this order is to prescribe the policies governing the administration of such unit.

Sec. 2. Definitions. (a) The National Defense Executive Reserve is composed of persons selected from various segments of the civilian economy and from government who are to be trained for assignment to executive positions in the federal government during periods of emergency.

(b) An Executive Reservist is a member of the National Defense Executive Reserve.

(c) The Interstate Commerce Commission unit of the National Defense Executive Reserve is composed of persons selected from all major segments of the economy concerned with the major mobilization responsibilities of the Commission.

Sec. 3. Policy and program management. (a) The number of Executive Reservists in the Commission unit of the National Defense Executive Reserve will be limited to that for which there is a demonstrable need in essential mobilization functions for which the Commission is responsible.

(b) Candidates for the Executive Reserve will be selected from industry (including small business), educational institutions, labor organizations, the professions and professional societies, government, and other groups which contain qualified and available executive personnel. Such candidates will be designated on the basis of each individual's (1) qualifications to perform duties and responsibilities of contemplated mobilization assignment, and (2) likelihood of being available in the event of full mobilization.

(c) Prior to designation as a member of the Executive Reserve, each proposed designee must submit a statement of understanding as to availability, with the formal concurrence of his employer.

(d) Persons with overriding military obligations will not be designated as members of the Executive Reserve.

(e) The Chief of Mobilization Planning of the Transport Mobilization Staff of the Commission will be responsible for the recruitment and training program of the Commission unit of the Executive Reserve and will be responsible for determining the number of Executive Reservists needed to meet mobilization requirements. He will also serve as the Commission representative on the Inter-agency Advisory Committee on the National Defense Executive Reserve.

(f) Within the availability of funds, the extent and type of training given to Executive Reservists will be determined by the Chief of Mobilization Planning. In general, training will include:

(1) Frequent communications of an informative and instructional nature pertaining to the problems and responsibilities of the area or to the duties which the Executive Reservists may be expected to perform.

(2) Participation in mobilization exercises to the maximum extent feasible.

(3) Periodic meetings for purposes of orientation.

(4) Correspondence on specific mobilization problems.

Sec. 4. Designation of members of Executive Reserve. Designation of members of the Interstate Commerce Commission unit of the National Defense Executive Reserve will be made by the Chairman of the Commission on the recommendation of the Commissioner in charge of the administration and performance of the functions and responsibilities delegated to the Commission pursuant to the Defense Production Act of 1950, as amended.

Sec. 5. Security. The degree of security clearance necessary for each Executive Reservist will be in accordance with existing security standards of the Commission pertaining to mobilization planning activities. The official designation of an Executive Reservist will be withheld until such security clearance is obtained.

Sec. 6. Conflict of interest. Activities of Executive Reservists shall not include acting or advising on any matter pending before any department or agency but shall be limited to receiving training for mobilization assignments under the Executive Reserve program. With respect to activities so limited, Executive Reservists who are not full-time government employees shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

Sec. 7. Transportation and subsistence. (a) Members of the Executive Reserve who are not full-time government employees may, if claim is made, receive transportation and not to exceed \$15 per diem in lieu of subsistence while away from their homes or regular places of business for the purpose of participating in the Executive Reserve program.

(b) Where claim for travel expense and per diem is made, invitational travel orders will be issued.

Issued at Washington, D. C., this 3d day of October 1956.

[SEAL]

OWEN CLARKE,
Commissioner.

[F. R. Doc. 56-8076; Filed, Oct. 5, 1956;
8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1343]

[Montana 019680 (SD)]

SOUTH DAKOTA

RESERVING PUBLIC LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR USE OF FOREST SERVICE AS PICNIC GROUNDS AND FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and

otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest in South Dakota are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as picnic grounds and for other public purposes as indicated:

BLACK HILLS PRINCIPAL MERIDIAN

Roughlock Picnic Ground:

T. 5 N., R. 1 E.,

Sec. 36, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ (less patented mineral entries).

The areas described aggregate 120 acres.

Timon Campground:

T. 4 N., R. 1 E.,

Sec. 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 40 acres.

Boxelder Organization Camp:

T. 3 N., R. 5 E.,

Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ (less patented mineral entries).

The areas described aggregate 120 acres.

Boy Scout Summer Camp:

T. 3 N., R. 5 E.,

Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$.

The areas described aggregate 120 acres.

Dalton Dam Picnic Ground:

T. 3 N., R. 5 E.,

Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ (less patented homestead entry).

The areas described aggregate 40 acres.

Deer Creek Picnic Ground:

T. 2 N., R. 5 E.,

Sec. 27, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ (less patented homestead entries).

The areas described aggregate 20 acres.

Headwaters Picnic Ground:

T. 2 N., R. 2 E.,

Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 70 acres.

Black Fox Campground:

T. 2 N., R. 2 E.,

Sec. 11, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 80 acres.

Deerdale Campground:

T. 2 N., R. 2 E.,

Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ (less patented homestead entry).

The area described contains 40 acres.

Roubalx Lake Picnic Ground:

T. 3 N., R. 4 E.,

Sec. 20, SE $\frac{1}{4}$ (less patented homestead entries);

Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The areas described aggregate 240 acres.

Steamboat Rock Picnic Ground:

T. 2 N., R. 5 E.,

Sec. 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 40 acres.

Strawberry Hill Picnic Ground:

T. 4 N., R. 4 E.,

Sec. 18, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ (less patented mineral entries).

The areas described aggregate 80 acres.

Bob Marshall Organization Camp and Bismark Lake:

T. 3 S., R. 5 E.,

Sec. 22, N $\frac{1}{2}$.

The area described contains 320 acres.

Rochford Administrative Site:

T. 2 N., R. 3 E.,

Sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 65 acres.

This order shall take precedence over but not otherwise affect the existing

reservation of the lands for national forest purposes.

F. E. WORMSER,
Assistant Secretary of the Interior.

OCTOBER 1, 1956.

[P. R. Doc. 56-8061; Filed, Oct. 5, 1956;
8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 27th day of September A. D. 1956.

The matter of accounting regulations prescribed for motor carriers of property being under consideration pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 U. S. C. 304 and 320); and,

It appearing that a notice of proposed rule making was issued June 29, 1956, announcing that reclassification of motor carriers of property for accounting and reporting purposes was under consideration, such notice being published in the FEDERAL REGISTER issue of July 18, 1956 (21 F. R. 5378) pursuant to provisions of section 4 (a) of the Administrative Procedure Act; and,

It further appearing that the time for filing views or arguments to be considered in that connection was extended to and including August 31, 1956 by a further notice issued July 31, 1956 which was published in the FEDERAL REGISTER issue of August 3, 1956 (21 F. R. 5808), and after consideration of all views and arguments so received on or before that extended date, it is ordered, that:

(1) *Effective date.* All motor carriers subject to provisions of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property shall, effective January 1, 1957, comply with the modifications which are attached hereto and made a part hereof, and which are pursuant to the said notice of June 29, 1956.

(2) *Notice.* A copy of this order with the attached modifications shall be served on each motor carrier of property which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof with the attached modifications in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL]

HAROLD D. MCCOY,
Secretary.

1. Cancel the provisions of paragraph (a) in § 182.01-1 *Classification of car-*

riers, and substitute the following in lieu thereof:

(a) For purposes of the accounting regulations common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I: Carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or more from property motor carrier operations.

Class II: Carriers having average annual gross operating revenues (including interstate and intrastate) of \$200,000, but less than \$1,000,000, from property motor carrier operations.

Class III: Carriers having average annual gross operating revenues (including interstate and intrastate) of less than \$200,000 from property motor carrier operations.

2. Cancel the provisions of paragraph (a) in § 182.01-27 *Allocation of expenses between line haul and pickup and delivery*, and substitute the following in lieu thereof:

(a) Class I common carriers which derive an average of 75 percent or more of their revenues from the intercity transportation of general commodities, shall separate expenses between line haul and pickup and delivery as provided in this instruction. Class I motor carriers, other than those specified herein, are not required to comply with provisions of this instruction.

(49 Stat. 546, as amended; 49 U. S. C. 304)

[P. R. Doc. 56-8064; Filed, Oct. 5, 1956;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 975]

[Docket No. AO-179-A-15]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Cypress Room, Hollenden Hotel, Cleveland, Ohio, beginning at 10 a. m., e. s. t., October 10, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. The amendments proposed have not received

the approval of the Secretary of Agriculture.

Proposed by Milk Producers Federation of Cleveland:

1. Consider the issue of fixing an appropriate Class I price in § 975.61, including the consideration of a uniform Class I differential.

2. In § 975.61 amend the supply-demand adjustment paragraphs to include the Akron and Stark County Order gross Class I sales and producer receipts in the computation of the current utilization percentage and substitute the following standard utilization table for the one now contained in the order:

January	125	July	151
February	128	August	148
March	131	September	139
April	134	October	133
May	137	November	132
June	146	December	128

3. Delete § 975.66 and substitute therefor the following:

§ 975.66 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A producer may transfer his daily quota during the period of March through July by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

Proposed by Akron Milk Producers, Inc.:

4. Consider amendment of § 975.61 to use a uniform Class I differential during all months of the year.

5. Consider amendments to §§ 975.71 and 975.81 to change the amount of the allowable location differential to handlers and to producers and specifically,

to consider the elimination of any location adjustment credit to handlers or to producers in the 30 to 60 mile zone.

Proposed by Wayne Cooperative Milk Producers, Inc.:

6. Delete § 975.63 and substitute therefor the following:

§ 975.63 *Class III milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 975.60, less 20 cents.

Proposed by Cleveland Milk Market Survey Committee:

7. Delete § 975.17 and substitute the following:

§ 975.17 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's delivery average quota computed pursuant to § 975.65, multiplied by the number of days in such delivery period on which such producer delivered milk to such handler: provided, that with respect to any producer on "every-other-day" delivery to a pool plant, the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 975.65.

8. Delete § 975.18 and substitute the following:

§ 975.18 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of eligible milk received from such producer during such delivery period.

9. In § 975.30 (b), line 5, after the word "above" insert "or a pool plant under Order 60".

10. In § 975.30 (b), line 19, following the word "shall" delete the words "upon written application to the Market Administrator on or before January 31 of any year".

11. Change § 975.41 (b) (1) to conform to the revisions in §§ 975.17 and 975.18.

12. Change § 975.52 by adding thereto a further paragraph, to be designated (c), as follows:

(c) In computing shrinkage on transfers of producer milk in bulk, there shall be an application of the shrinkage allowance provided for in § 975.51 (c) (3) not to exceed one percent (1%) to the supply pool plant and not to exceed one percent (1%) to the receiving pool plant on the producer milk so transferred, if the operator or operators of the transferor or transferee pool plants so request the Market Administrator in writing to make such application prior to the delivery period for which such allocation is requested.

13. Delete § 975.53 (a) and substitute the following:

(a) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to the pool plant of a handler operating under either Order 75 or Order 60, unless utilization in another class is mutually indicated in writing to the Market Administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That if either or both pool plants have received other source milk such transfers shall be classified by the Market Administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided, further*, That if transfers are made to a pool plant from more than one other pool plant, any other source milk involved in such transfers shall be prorated by the Market Administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this sub-paragraph from the transferor plant.

14. Delete § 975.53 (b) and substitute the following:

(b) As Class I milk, if transferred as any item, except cream, listed in § 975.51 (a) (1) to a non-pool plant located more than 265 miles from the Public Square in Cleveland, Ohio by the shortest highway distance as determined by the Market Administrator.

15. Delete § 975.56 (c) and substitute the following:

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other-source-milk received from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act, except transfers from plants regulated under Order 60.

16. Revise § 975.61 (a) to reflect a uniform Class I differential to be added to the basic formula price each and every month of the year.

17. Delete § 975.65 and substitute the following:

§ 975.65 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 975.66, the Market Administrator shall compute quotas for producers as follows:

(a) During each of the delivery periods of February through July, inclusive of each year beginning with 1958, the daily quota of each producer, whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December inclusive, shall be a quantity determined by the Market Administrator as follows:

(1) Divide each producer's total pounds of milk, delivered in the 3-month period, by the number of days from the date of first delivery to the end of such 3-month period.

(b) An eligible milk quota may be provided for a producer who fails to es-

tablish an eligible quota in the October through December period in the following manner:

(1) For a producer whose milk was received by a handler(s) for the full calendar month of January, February and July: Divide such producer's total pounds of milk delivered during the month by the number of days in the month, and multiply the result by 75 per cent.

(2) For a producer whose milk was received by a handler(s) for the full calendar months of March, April, May or June: Divide such producer's total pounds of milk delivered during the month by the number of days in the month, and multiply the result by 50 per cent.

Proposed by Telling Belle Vernon Company:

18. Eliminate in its entirety § 975.71 and eliminate paragraph (c) from § 975.73.

19. Eliminate paragraph (b) from § 975.90.

20. Change the treatment of milk priced under other orders:

a. Add to § 975.14 the words "or milk regulated under another Federal Milk Marketing order;"

b. Eliminate from paragraph (b) § 975.56 the words "other than one at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;" and

c. Eliminate paragraph (c) from § 975.56 and add to paragraph (d) in § 975.56 following the words "other handlers" the following words "and from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act."

Proposed by the Dairy Division, Agricultural Marketing Service:

21. In § 975.75 (a) after the word "through" correct a typographical error by changing "(c)" to "(e)".

22. Correct §§ 975.84 and 975.85 by adding immediately after the reference to "§ 975.80" in each section the following: "before subtracting any location adjustment pursuant to § 975.81 (a)".

23. Make such changes as may be required to make the order in its entirety conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and of the order, as amended, now in effect may be obtained from the Market Administrator, 2163 East Second Street, Cleveland 15, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 3d day of October 1956.

[SEAL]

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-8067; Filed, Oct. 5, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 222]

[General Order 39, Revised]

STATEMENTS, REPORTS, AND AGREEMENTS
REQUIRED TO BE FILED

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), of proposed revision of General Order 39, Revised (46 CFR 222.2-222.9), pursuant to sections 204 and 212A of the Merchant Marine Act, 1936, as amended (49 Stat. 1987, 52 Stat. 964, 70 Stat. 332, 46 U. S. C. 1114 and 1122a), to read substantially as follows:

§ 222.2 *Forms of vessel utilization and performance reports prescribed.* Pursuant to the authority of section 212 (A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U. S. C. 1122a), the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U. S. C. 1101, et seq.), to require persons operating vessels in the waterborne foreign commerce of the United States to file reports of the utilization and performance of such vessels in the form of the attached Maritime Administration Forms MA-7801, 7802, 7803, and 7804, and hereby prescribes and approves such Forms and Instructions¹ for the preparation thereof. An accurate Vessel Utilization and Performance Report must be filed, in duplicate, with the appropriate collector of customs, for transmittal to the Maritime Administration, by the operator of every self-propelled vessel of 500 or more net registered tons before midnight of the tenth day after customs entry at the first port in the United States and before midnight of the tenth day after customs clearance from the last port in the United States. In calculating the due date, Saturdays, Sundays, and holidays are excluded. Incomplete or inaccurate reports will be deemed as not having been filed. Forms MA-7801 through 7804 are required to be filed in triplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

§ 222.3 *Penalty.* Section 212 (A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U. S. C. 1122a), provides:

Sec. 212 (A). The operator of a vessel in waterborne foreign commerce of the United States shall file at such time and in such manner as the Secretary of Commerce may

prescribe by regulations, such report, account, record, or memorandum relating to the utilization and performance of such vessel in commerce of the United States, as the Secretary may determine to be necessary or desirable in order to carry out the purposes and provisions of this Act, as amended. Such report, account, record or memorandum shall be signed and verified in accordance with regulations prescribed by the Secretary. An operator who does not file the report, account, record, or memorandum as required by this section and the regulations issued hereunder, shall be liable to the United States in a penalty of \$50 for each day of such violation. The amount of any penalty imposed for any violation of this section upon the operator of any vessel shall constitute a lien upon the vessel involved in the violation, and such vessel may be libeled therefor in the district court of the United States for the district in which it may be found. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this section on such terms as he may deem proper.

§ 222.4 *Notice of failure to comply herewith and that petition for relief may be filed.* (a) Every offender under the regulations in this part shall be advised by the collector of customs of any penalty incurred by him and of his right to apply for relief under § 222.5. If the offender fails to petition for relief or pay the penalty within 60 days from the date of mailing of the notice of violation as provided for herein, the case shall be referred immediately to the United States attorney for appropriate action, unless it appears that the person liable for the penalty is absent from the United States or during the said period was absent for more than 30 days, in which event the collector may withhold such action for a further reasonable time, or unless other action is expressly authorized by the Maritime Administrator. When a penalty is mitigated, and the mitigated penalty is not paid nor a supplemental petition filed within 60 days from the date a notice of the settlement is mailed to the petitioner, the matter shall be referred immediately to the United States attorney for appropriate attention, unless other action has been directed by the Maritime Administrator.

(b) No action looking to the remission or mitigation of a penalty shall be taken on any petition, irrespective of the amount involved, if the case has been referred to the Department of Justice for the institution of legal proceedings.

§ 222.5 *Petition for relief.* (a) Any petition for relief from a penalty incurred under these regulations shall be addressed to the Maritime Administrator, signed by the petitioner, and filed with the collector of customs of the district in which the penalty was imposed. It shall be filed in triplicate and shall set forth the facts relied upon by the petitioner to justify his request for relief.

(b) Upon receipt of a petition, the collector shall cause such investigation to be made as the facts in the case may warrant. In forwarding the petition to the Maritime Administrator, he shall forward with it a copy of the report of the investigation, if any, a statement of all other facts which may have come to his knowledge, and his recommendation as to the final action to be taken. If the

petition involves a matter which has been referred to the Department of Justice for the institution of court proceedings, the collector shall transmit the petition immediately upon receipt to the appropriate United States attorney and notify the petitioner of such action.

(c) The decision of the Maritime Administrator will be forwarded to the collector for delivery to the petitioner.

Interested persons may submit written data, views, comments, and arguments in connection with the proposed revision to the Secretary, Maritime Administration, Washington 25, D. C., within fifteen (15) days after publication hereof in the FEDERAL REGISTER.

NOTE: The reporting requirements of the proposed revision have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: October 2, 1956.

By order of the Maritime Administrator.

[SEAL]

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 56-8063; Filed, Oct. 5, 1956;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42, 45]

[Draft Release No. 56-25]

EMERGENCY EVACUATION PROVISIONS FOR
TRANSPORT CATEGORY AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the emergency evacuation provisions of Part 4b of the Civil Air Regulations as herein-after set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by November 9, 1956. Copies of such communications will be available after November 14, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

There have been few changes to the emergency evacuation provisions contained in § 4b.362 of Part 4b of the Civil Air Regulations since the Board promulgated the last major revision which became effective December 20, 1951. At that time, the Board adopted regulations which were considered appropriate for airplanes which were then in the design stage. Turbine-powered airplanes currently undergoing development are considerably larger than the transport category airplanes now in service and, accordingly, will have provision for a larger number of passengers.

¹ Copies of the Forms and Instructions currently in use and those to be used beginning January 1, 1957, are filed with the Federal Register Division as a part of the original document, and may be obtained from the Statistics and Special Studies Office, Maritime Administration, Washington 25, D. C.

In view of the foregoing, it is believed advisable to broaden the scope of the existing emergency exit requirements to cover those airplanes which will accommodate a larger number of passengers than now provided for in the current regulations, and to permit greater flexibility and more appropriate application of these requirements to airplanes of different sizes.

Furthermore, in order to assure adequate evacuation facilities during a ditching operation, it is being proposed to require ditching exits of the type which are optional under the currently effective regulations.

Other changes, being proposed for the purpose of facilitating emergency evacuation, affect the provisions for crew compartment exits and include provisions which would require Type III exits to be located over the wing with specific step-up and step-down dimensions. In addition, proposed provisions are included with respect to exits on high-wing airplanes.

Pursuant to the provisions of § 4b.11, the applicant for type certification may elect to show compliance with provisions of the regulations effective subsequent to the date of application for type certification. It is considered that the proposed amendments to § 4b.362 are so interrelated that if these proposals are adopted by the Board and the applicant elects to show compliance with any portions of the proposal he should be required to show compliance with the entire proposal.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 4b of the Civil Air Regulations be amended as follows:

1. By amending § 4b.362 by deleting the second sentence of the introductory paragraph and inserting in lieu thereof the following: "The provisions of this section shall apply to airplanes where the major portion of the passenger area is adjacent to and aft of the powerplants and fuel tanks."

2. By amending § 4b.362 (a) to read as follows:

§ 4b.362 Emergency evacuation. * * *

(a) *Flight crew emergency exits.* Flight crew emergency exits shall be located in the flight crew area, one on each side of the airplane, or, alternatively, a top hatch shall be provided. Such exits shall be of sufficient size and shall be so located as to permit rapid evacuation by the crew. Such exits shall not be required in airplanes having a passenger capacity of twenty or less if the Administrator finds that the proximity of passenger emergency exits to the flight crew area offers a convenient and readily accessible means of evacuation for the flight crew.

3. By amending § 4b.362 (b) to read as follows:

(b) *Passenger emergency exits; type and location.* The types of exits and their location shall be as follows:

(1) Type I: A rectangular opening of not less than 24 inches wide and 48 inches

high, with corner radii not greater than one-third the width of the exit. The first Type I exit on each side of the fuselage shall be located as far aft in the passenger area as practicable. Additional Type I exits shall be in such locations as will afford the most effective means of passenger evacuation. All Type I exits shall be floor level exits.

(2) Type II: A rectangular opening of not less than 20 inches wide and 44 inches high with corner radii not greater than one-third the width of the exit. One Type II exit on each side of the fuselage shall be located as far aft in the passenger area as practicable unless Type I exits are also required. Additional Type II exits shall be in such locations as will afford the most effective means of passenger evacuation. Type II exits shall be floor level exits unless located over the wing in which case they shall have a step-up inside the airplane of not more than 10 inches and a step-down outside the airplane of not more than 17 inches.

(3) Type III: A rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than one-third the width of the exit, located over the wing with a step-up inside the airplane of not more than 20 inches and a step-down outside the airplane of not more than 27 inches.

(4) Type IV: A rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than one-third the width of the exit, located over the wing with a step-up inside the airplane of not more than 29 inches and a step-down outside the airplane of not more than 36 inches.

Note: Larger openings than those specified in paragraph (b) of this section will be acceptable, whether or not of rectangular shape, provided the specified rectangular openings can be inscribed therein, and provided further that the base of the minimum specified opening measured at the specified step-up and step-down height provides a flat surface of not less than one-third of the width.

4. By amending § 4b.362 (c) to read as follows:

(c) *Passenger emergency exits; number required.* Emergency exits of the type and location prescribed in paragraph (b) of this section shall be accessible to the passengers and shall be provided on each side of the fuselage in accordance with the following:

Passenger seating capacity	Emergency exits required on each side of the fuselage			
	Type I	Type II	Type III	Type IV
1 to 19 inclusive.....			1	
20 to 39 inclusive.....		1		1
40 to 59 inclusive.....	1			1
60 to 79 inclusive.....	1			2
80 to 99 inclusive.....	1		1	1
100 to 119 inclusive.....	1	1		2
120 to 139 inclusive.....	2			2
140 to 159 inclusive.....	2		1	3
160 to 179 inclusive.....	2	1		2
180 to 199 inclusive.....	2	2		
200 to 219 inclusive.....	3	1		
220 to 239 inclusive.....	4			

It shall be acceptable to consider one Type III exit to be equivalent to two Type IV exits. On airplanes where the vertical location of the wing does not permit the installation of Type III or Type IV exits, one Type II exit shall be provided for each Type III and only one Type II exit, on each side, shall be provided for all Type IV exits required.

Note: Although similar exits and their locations are prescribed for each side of the fuselage, it is not the intent of this regulation to require that the exits necessarily be at locations diametrically opposite each other.

5. By amending § 4b.362 (d) to read as follows:

(d) *Ditching emergency exits.* It shall be shown that, on each side of the fuselage, there is not less than one emergency exit located above the water line for every 35 passengers, except that for the purpose of this paragraph an easily accessible overhead hatch of not less than the clear dimensions of Type III emergency exits (see paragraph (b) (3) of this section) shall be considered equivalent to one emergency exit on each side.

6. By amending § 4b.362 (e) (7) by deleting the words, "other than Type IV (see paragraph (b) of this section)" and substituting in lieu thereof the words, "other than exits located over the wing".

7. By amending § 4b.362 (g) by adding the following sentence at the end thereof: "Access shall be provided from the main aisle to all Type III and Type IV exits and such access shall not be obstructed by seats, berths, or other protrusions to an extent which would reduce the effectiveness of the exit."

8. By amending § 4b.362 (h) by adding the following sentence at the end thereof: "For airplanes having a maximum passenger seating capacity of 19 or less, these aisle widths shall not be less than 12 inches wide up to a height above the floor of 25 inches and not less than 20 inches above that height."

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., October 1, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 56-8080; Filed, Oct. 5, 1956; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE
DIRECTLY FROM FRANCEAVAILABLE CERTIFICATIONS BY GOVERNMENT
OF FRANCE

Notice is hereby given that certificates of origin issued by the Ministère de l'Industrie et du Commerce of the Republic of France under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from France of the following additional commodity:

Silk piece goods, tussah.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-8071; Filed, Oct. 5, 1956;
8:47 a. m.]

IMPORTATION OF CERTAIN MERCHANDISE
DIRECTLY FROM JAPANAVAILABLE CERTIFICATIONS BY THE
GOVERNMENT OF JAPAN

Notice is hereby given that certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodity:

Silk piece goods, tussah.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 56-8072; Filed, Oct. 5, 1956;
8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHILDRESS LIVESTOCK COMMISSION
CO. ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Childress Livestock Commission Company,
Childress, Tex.
Dalhart Livestock Auction Co., Dalhart,
Tex.
Keeton Livestock Commission Co., Lub-
bock, Tex.
Hall County Livestock Commission Co.,
Memphis, Tex.
Perryton Cattle Commission Co., Perryton,
Tex.

Quannah Livestock Commission Co., Qua-
nah, Tex.
Shamrock Auction Sale, Shamrock, Tex.
Wellington Livestock Sale, Wellington, Tex.
Clayton Cattle Auction, Clayton, N. Mex.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day
of October 1956.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Divi-
sion, Agricultural Marketing
Service.

[F. R. Doc. 56-8077; Filed, Oct. 5, 1956;
8:49 a. m.]

Commodity Stabilization Service

PUERTO RICO AND VIRGIN ISLANDS

NOTICE OF HEARING ON SUGARCANE WAGES
AND PRICES AND DESIGNATION OF PRESIDING
OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At San Juan, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Office, Segarra Building, on October 25, 1956, at 9:30 a. m.,

At Christiansted, St. Croix, Virgin Islands, in the Government House, on October 30, 1956, at 9:30 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wages rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico and the Virgin Islands during the calendar year 1957 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1956-57 Puerto Rican crop and the 1957 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and

who apply for payments under the said act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters with respect to wages and prices in Puerto Rico.

Wages: 1. Definitions of work performed and appropriate wage rates for field flooders and irrigators.

2. Inclusion of additional wage classifications for workers directly employed in the production, cultivation or harvesting of sugarcane.

Prices: 1. Actions which should be taken with respect to trash and other extraneous material delivered with sugarcane and the proper methods for determining the quantities of trash and other extraneous material delivered with sugarcane.

2. Information with respect to the sugar yield periods used by processors during the 1956 crop and testimony regarding the equities and reasons for the use of such sugar yield periods.

3. Testimony as to the most equitable delivery point for sugarcane, that point at which the processor bears the cost of transporting sugarcane.

4. Modifications in admissible selling and delivery expenses on raw sugar to recognize changes which result from the bulk handling of raw sugar.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood, Ward S. Stevenson, Charles B. Broeg, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 2d day of October, 1956.

[SEAL] THOS. H. ALLEN,
Acting Director,
Sugar Division.

[F. R. Doc. 56-8079; Filed, Oct. 5, 1956;
8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7735 et al.]

ST. LOUIS-SOUTHEAST SERVICE CASE

NOTICE OF HEARING

In the matter of an application by the City of St. Louis and certain air carriers and other parties for amendments to the air service pattern between St. Louis on the one hand and Florida and other southeastern points on the other.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as

amended, particularly sections 205 (a) and 401 of the said act and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on October 18, 1956, at 10 a. m., e. d. s. t., in the U. S. Department of Commerce Auditorium, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates as proposed in the applications assigned for disposition in this proceeding relating to improvements in the air service pattern between St. Louis on the one hand and Florida and other southeastern points on the other.

(2) Are the applicants fit, willing, and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

For further details regarding this proceeding, interested parties are referred to the prehearing conference report served April 25, 1956, a supplemental prehearing conference report served June 14, 1956, an order granting and denying motions for consolidation of applications entered on May 18, 1956, (Order No. E-10304), and an order granting and denying petitions for reconsideration of this order, entered on October 2, 1956, (Order No. E-10651), and other documents in the Docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this consolidated proceeding must file with the Board on or before October 18, 1956, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D. C., October 2, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8081; Filed, Oct. 5, 1956;
8:50 a. m.]

[Docket No. 7511]

ROUTE RESTRICTION INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned for October 31, 1956, 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 2, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-8082; Filed, Oct. 5, 1956;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10919]

NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 2, 1956.

Take notice that Natural Gas Company of West Virginia, Applicant, a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on August 15, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act authorizing it to construct and operate certain proposed facilities to replace certain existing facilities and for authority to abandon certain other existing facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate: Approximately 1.6 miles of 8 $\frac{1}{2}$ -inch O. D. x 0.250-inch wall, and 1.6 miles of 6 $\frac{1}{2}$ -inch O. D. x 0.219-inch wall natural gas transmission pipe line in Columbiana County, Ohio, replacing portions of existing facilities serving the Leetonia-Columbiana market area; together with valves, fittings, and incidental facilities necessary for practical operation; and

Applicant also requests authorization to abandon: Approximately 4.9 miles of 4 $\frac{1}{2}$ -inch O. D. and 0.2 mile of 6 $\frac{1}{2}$ -inch O. D. Lines 6069, 6070, 6071, and 6073.

No existing customers will be deprived of service because of the proposed abandonment. No new service is proposed.

Applicant shows the present and estimated demand in the area to be served by the new facilities as follows:

Year	1955	1957	1958	1959
Peak day (Mcf) ..	3,285	4,390	4,710	5,000
Annual (Mcf)	478,579	708,200	738,400	770,800

The estimated cost of the proposed construction is \$74,000, which will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1956, at 9:30 a. m., e. d. s. t.,

in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-8062; Filed, Oct. 5, 1956;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1829]

DRESSER INDUSTRIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 2, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Dresser Industries, Inc. (Delaware), Common Stock, File No. 7-1829.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Los Angeles Stock Exchange.

Upon receipt of a request, on or before October 19, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-8054; Filed, Oct. 5, 1956;
8:45 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 12]

DRIED FIGS AND FIG PASTE

INVESTIGATION INSTITUTED AND HEARING SET

Institution of investigation: By direction of the President, dated October 2, 1956, the United States Tariff Commission on the 2d day of October 1956 instituted, and hereby gives notice of, and investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether dried figs and fig paste are practically certain to be imported into the United States during the 1956-57 crop year under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the Federal Fig Marketing Order Program undertaken by the Department of Agriculture or to reduce substantially the amount of products processed in the United States from domestic figs or fig paste with respect to which such program is being undertaken.

Hearing: A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. s. t., on October 30, 1956. All parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear: Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

I hereby certify that the above investigation was instituted and hearing ordered by the United States Tariff Commission on October 2, 1956.

Issued: October 2, 1956.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-8066; Filed, Oct. 5, 1956;
8:46 a. m.]

[Investigation 13]

DATES

INVESTIGATION INSTITUTED AND HEARING SET

Institution of investigation: By direction of the President, dated October 2, 1956, the United States Tariff Commission on the 2d day of October 1956 instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether dates are practically certain to be imported into the United States during the 1956-57 crop year under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the Federal Date Marketing Order Program and the Department of Agriculture's program for the diversion of dates to new uses or to reduce substantially the

amount of products processed in the United States from domestic dates with respect to which such programs are being undertaken.

Hearing: A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. s. t., on November 1, 1956. All parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear: Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

I hereby certify that the above investigation was instituted and hearing ordered by the United States Tariff Commission on October 2, 1956.

Issued: October 2, 1956.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 56-8065; Filed, Oct. 5, 1956;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 3, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32696: *All freight—Aurora, Ill., to Birmingham, Ala.* Filed R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Aurora, Ill., to Birmingham, Ala.

Grounds for relief: Modified distance formula and circuitous routes.

Tariff: Supplement 25 to Agent R. G. Raasch's tariff I. C. C. 789.

FSA No. 32697: *All freight—Chicago, Ill., Group to Florida Points.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., and Chicago district points to Melbourne, New Smyrna Beach, and Daytona Beach, Fla.

Grounds for relief: Modified short-line distance formula, and circuitous routes.

Tariff: Supplement 25 to Agent Raasch's tariff I. C. C. 789.

FSA No. 32698: *All freight—Chicago, Ill., group to Sarasota, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., and Chicago district points to Sarasota, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Raasch's tariff I. C. C. 789.

FSA No. 32699: *Ore Concentrates—Rosiclare, Ill., to Pennsylvania Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on zinc or

zinc ore concentrates, carloads from Rosiclare, Ill., to Donora, Donora (Baird), Josephstown and Kobuta, Pa.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariff: Supplement 129 to Agent Hinsch's tariff I. C. C. 4430.

FSA No. 32700: *Liquefied petroleum gas and butadiene—California points to Eugene, Ore.* Filed by J. P. Haynes, Agent, for interested rail carriers. Rates on liquefied petroleum gas, and butadiene from petroleum, tank-car loads from specified points in California to Eugene, Ore., on the Oregon Electric Railway Company.

Grounds for relief: Circuitous routes. Tariff: Sixth revised page 390A of Agent Haynes' I. C. C. 1352.

FSA No. 32701: *Petroleum Coke—Texas points to Virginia points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum coke, carloads from Port Arthur and West Port Arthur, Tex., to Bentonville, Bellwood, and Roanoke, Va.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 67 to Agent Kratzmeir's I. C. C. 3983.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-8063; Filed, Oct. 5, 1956;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-137]

COLOMBIA OIL CO.

In re: Debt owing to Colombia Oil Company. F-57-1267.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Elliott Company, Lagonda Division, Springfield, Ohio, appearing on the books and records of said Company as an account payable to Colombia Oil Company of Bucharest, Roumania, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Colombia Oil Company, Bucharest, Roumania, a national of Roumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered,

sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-8068; Filed, Oct. 5, 1956;
8:47 a. m.]

[Vesting Order SA-139]

SOCIETE DE REASSURANCES GENERALES
"BALKAN"

In re: Debt owing to Societe de Reassurances Generales "Balkan". F-11-191.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, arising out of an account entitled, "Societe de Reassurances Generales 'Balkan', Sofia, Bulgaria, #20078 Blocked", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Societe de Reassurances Generales "Balkan", Sofia, Bulgaria, a national of Bul-

garia as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-8070; Filed, Oct. 5, 1956;
8:47 a. m.]

[Vesting Order SA-138]

SOCIETE DE REASSURANCES GENERALES
"BALKAN"

In re: Debts owing to Societe de Reassurances Generales "Balkan". F-11-191.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Societe de Reassurances Generales 'Balkan', Sofia, Blocked Account, General Ruling #6, Zurich, Switzerland", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, F/O Societe de Reassurances Generales 'Balkan', Sofia, Blocked Account, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

c. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, F/O Societe de Reassurances Generales, 'Balkan' Sofia, Blocked Account by o/o Office of Alien Property, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Societe de Reassurances Generales "Balkan", Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on October 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-8069; Filed, Oct. 5, 1956;
8:47 a. m.]





